

AMENDED IN ASSEMBLY JUNE 12, 2016

AMENDED IN ASSEMBLY MAY 25, 2016

SENATE BILL

No. 843

Introduced by Committee on Budget and Fiscal Review

January 7, 2016

~~An act relating to the Budget Act of 2016.~~ *An act to amend, repeal, and add Section 231 of the Code of Civil Procedure, to amend Sections 7522.57, 11555, 11556, 12838, 12838.4, 68502.5, and 68651 of, and to amend and repeal Sections 68085.1 and 70626 of, the Government Code, to amend Sections 320.6, 2910, 2915, 5075, 5075.1, 5075.6, 5076.1, 6025.1, 6250.2, 6258.1, 6402, 11191, 13501, 13601, 23690, and 28300 of, to add Sections 2694.5, 5027, and 6404 to, to add Chapter 2.92 (commencing with Section 1001.85) to Title 6 of Part 2 of, and to repeal Section 5032 of, the Penal Code, and to amend Sections 1716, 1719, 1720, 1723, 1725, 1766, 1767.3, and 7200.06 of, to amend the heading of Article 2.5 (commencing with Section 1716) of Chapter 1 of Division 2.5 of, and to add Sections 1718, 1721, 1722, 1724, 1728, and 5848.51 to, the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

SB 843, as amended, Committee on Budget and Fiscal Review.
~~Budget Act of 2016.~~ *Public safety.*

(1) Existing law, the Trial Jury Selection and Management Act, generally governs the selection of juries in criminal and civil cases. Under existing law, a criminal defendant is generally entitled to exercise 10 peremptory challenges during the jury selection process. When 2 or more defendants are jointly tried, existing law requires these challenges

to be exercised jointly, but grants each defendant an additional 5 challenges to be exercised separately. If the offense for which a defendant is being tried is punishable by a maximum term of imprisonment of 90 days or less, existing law entitles the defendant to 6 peremptory challenges and grants each jointly tried defendant 4 additional challenges to be exercised separately.

This bill would instead, until January 1, 2021, grant a defendant 6 peremptory challenges in a criminal case if the offense charged is punishable with a maximum term of imprisonment of one year or less, and would reduce the number of peremptory challenges that may be exercised separately by a defendant who is jointly tried from 4 to 2 in cases in which the maximum term of imprisonment is one year or less. The bill would require the Judicial Council to conduct a study and, on or before January 1, 2020, submit a report to the Legislature on that reduction in the number of peremptory challenges, as specified.

(2) Existing law establishes the Department of Corrections and Rehabilitation, which consists of, among other divisions, the Board of Parole Hearings. The Board of Parole Hearings is comprised of 17 commissioners, appointed by the Governor, subject to confirmation by the Senate, for 3-year terms. Of those 17 commissioners, existing law requires 5 to be appointed and trained to hear only juvenile matters. Within 60 days of appointment and annually thereafter, existing law requires the commissioners and deputy commissioners to undergo a minimum of 40 hours of training in specified areas, including treatment and training programs provided to wards. Existing law requires the board to, among other things, conduct parole consideration hearings, parole rescission hearings, and parole progress hearings for adults and juveniles under the jurisdiction of the department and discharges of commitment, orders for discharge from the jurisdiction of the Division of Juvenile Facilities to the jurisdiction of the committing court, and disciplinary appeals with respect to wards in the custody of the Division of Juvenile Facilities in the Department of Corrections and Rehabilitation.

This bill would establish the Board of Juvenile Hearings to assume the powers, duties, and responsibilities of the Board of Parole Hearings as it relates to hearings by the Board of Parole Hearings on juvenile matters and would also require the Board of Juvenile Hearings to conduct initial case reviews and annual reviews. The Board of Juvenile Hearings would be comprised of 3 commissioners, appointed by the Governor, subject to Senate confirmation, for 5-year terms. The bill

would require the Governor to periodically designate the chair of the Board of Juvenile Hearings. The bill would authorize the Governor to appoint an executive officer of the board, subject to Senate confirmation, who would hold office at the pleasure of the Governor and would require the executive officer to exercise all duties and functions necessary to ensure that the responsibilities of the Board of Juvenile Hearings are successfully discharged. The bill would authorize the Governor to remove any member of the Board of Juvenile Hearings for misconduct, incompetency, or neglect of duty after a full hearing by the Board of State and Community Corrections.

The bill would authorize the Board of Juvenile Hearings to utilize board representatives to whom it may assign appropriate duties, including hearing cases and making decisions, as specified. The bill would require commissioners and board representatives to undergo, within 60 days of appointment and annually thereafter, a minimum of 40 hours of training, as described above, and would also require training in the areas of adolescent brain development, the principles of cognitive behavioral therapy, and evidence-based treatment and recidivism-reduction models.

The bill would delete references to the Juvenile Parole Board and would refer instead to the Board of Juvenile Hearings. The bill would delete other obsolete provisions and make other conforming changes to implement the creation of the Board of Juvenile Hearings.

(3) Existing law requires the Judicial Council to adopt a budget and allocate funding for the trial courts. Existing law requires the Judicial Council to set aside 2% of specified funds appropriated in the annual Budget Act and requires the funds to remain in the Trial Court Trust Fund to be allocated by the Judicial Council to trial courts for unforeseen emergencies, unanticipated expenses, or unavoidable funding shortfalls.

This bill would instead require the Judicial Council to hold a reserve of \$10,000,000 in the Trial Court Trust Fund to be available to trial courts for emergencies. The bill would require any funding allocated to be replenished on an annual basis from the trial court base allocations. The bill would require the Judicial Council to establish a process for trial courts to apply for emergency funding.

(4) Existing law, the Sargent Shriver Civil Counsel Act, requires legal counsel to be appointed to represent low-income parties in civil matters involving critical issues affecting basic human needs in those courts selected by the Judicial Council, as specified. Existing law,

subject to funding specifically provided for this purpose, requires the Judicial Council to develop one or more model pilot projects in selected courts to provide that representation of counsel in civil matters, as specified.

Existing law provides for the assessment of various fees and fines, including, among others, sanctions for violation of a court order. Existing law requires the superior court to deposit the fees and fines in a bank account with the Administrative Office of the Courts and specifies how those moneys are to be distributed, including, until January 1, 2017, to the Trial Court Trust Fund to be used by the Judicial Council to implement and administer the civil representation pilot program described above.

This bill would repeal the date restriction on this distribution, thereby extending that provision indefinitely.

(5) Existing law, until July 1, 2017, sets the fees at \$25 or \$30 for various court services, including, but not limited to, issuing a writ for the enforcement of an order or judgment and filing an application for renewal of judgment, respectively. Existing law requires, only through June 30, 2017, the Judicial Council to use \$10 of each fee collected for those services for the expenses of the Judicial Council in implementing and administering the civil representation pilot program described above. Existing law, commencing July 1, 2017, reduces each of the above fees by \$10.

This bill would require that the above fees remain set at \$25 and \$30, respectively. The bill would instead require the Judicial Council to use an amount equivalent to \$10 of each fee for expenses in administering the civil representation pilot program. The bill would make related findings and declarations.

This bill would also make technical, nonsubstantive changes.

(6) Existing law requires specified sports organizations, among other entities, to register with the Department of Justice prior to conducting a raffle. Existing law authorizes the department to require an annual registration fee to cover the reasonable costs of this registration, which is deposited by the department into the General Fund.

This bill would create the Major League Sporting Event Raffle Fund, and deposit the registration fees into that fund instead of the General Fund. The bill would, under specified conditions, authorize a loan of \$1,005,000 from the General Fund to the Major League Sporting Event Raffle Fund for use by the department for specified enforcement activities.

(7) Existing law authorizes a county to establish a pretrial diversion program for defendants who have been charged with a misdemeanor offense and authorizes other diversion programs, including for defendants with cognitive developmental disabilities, defendants in nonviolent drug cases, and traffic violations.

This bill would establish the Law Enforcement Assisted Diversion (LEAD) pilot program, to be administered by the Board of State and Community Corrections, to improve public safety and reduce recidivism by increasing the availability and use of social service resources while reducing costs to law enforcement agencies and courts stemming from repeated incarceration. The bill would require the board to award grants, on a competitive basis, to up to 3 jurisdictions to establish LEAD programs and would require the board to establish minimum standards, funding schedules, and procedures for awarding grants. The bill would establish requirements for referral of people who may be arrested for, or who have a history of, low-level drug offenses or prostitution, as defined, to social services in lieu of prosecution. The bill would require the board to contract with a non-profit research entity, university, or college to evaluate the effectiveness of the LEAD program and submit a report of the findings to the Governor and the Legislature by January 1, 2020. The bill would appropriate \$15,000,000 from the General Fund for the LEAD pilot program and would authorize the board to spend up to \$550,000 of that amount for the contracts to evaluate the effectiveness of the LEAD program and to contract with experts in the implementation of LEAD in other jurisdictions, as specified.

(8) Existing law establishes the Division of Health Care Operations and the Division of Health Care Policy and Administration within the Department of Corrections and Rehabilitation under the Undersecretary of Health Care Services. Existing law requires these divisions to be headed by a director, who shall be appointed by the Governor. Existing law requires the department to expand substance abuse treatment services in prisons to accommodate at least 4,000 additional inmates who have histories of substance abuse.

This bill would require the department to establish a 3-year pilot program to provide a medically assisted substance use disorder treatment model for the treatment of inmates, as specified. The bill would require the department to submit reports to the fiscal and appropriate policy committees of the Legislature, including specified information regarding the pilot program.

(9) Existing law allows the Secretary of the Department of Corrections and Rehabilitation to enter into an agreement with a city, county, or city and county, to permit transfer of prisoners in the custody of the secretary to a jail or other adult correctional facility. Under existing law, prisoners transferred to a local facility remain under the legal custody of the department. Existing law, until January 1, 2017, allows a transfer of prisoners to include inmates who have been sentenced to the department but remain housed in a county jail, and specifies that these prisoners shall be under the sole legal custody and jurisdiction of the sheriff or other official having jurisdiction over the facility and not under the legal custody and jurisdiction of the department. Existing law, until January 1, 2017, for purposes of entering into agreements pursuant to the above provisions, waives any process, regulation, or requirement relating to entering into those agreements.

This bill would extend those provisions until January 1, 2020.

(10) Existing law, until January 1, 2017, allows the secretary to enter into one or more agreements in the form of a lease or operating agreement with private entities to obtain secure housing capacity in the state or in another state, upon terms and conditions deemed necessary and appropriate to the secretary. Existing law, until January 1, 2017, waives any process, regulation, or requirement that relates to the procurement or implementation of those agreements, except as specified. Existing law, until January 1, 2017, makes the provisions of the California Environmental Quality Act inapplicable to these provisions.

This bill would extend those provisions until January 1, 2020.

(11) Existing law establishes the Board of State and Community Corrections to, among other things, administer the Second Chance Program to invest in community-based programs, services, and initiatives for formerly incarcerated individuals in need of mental health and substance use treatment services. Existing law prohibits specified officials from being financially interested in any contract made by them in their official capacity. Existing law states that members of a committee created by the Board of State and Community Corrections have no financial interest in any contract made by the board, as specified, based upon the receipt of compensation for holding public office or public employment. Existing federal law, the Edward Byrne Memorial Justice Assistance Grant Program, provides federal criminal justice funding to state and local entities.

This bill would instead provide that, for the purpose of the prohibition on officials being financially interested in any contract made by them in their official capacity, members of a committee created by the board pursuant to the Second Chance Program or the federal Edward Byrne Memorial Justice Assistance Grant Program have no financial interest in any contract made by the board, as specified, based upon the receipt of compensation for holding public office or public employment.

(12) Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system.

This bill would, upon appropriation by the Legislature, require the department to award funding for a grant program to not-for-profit organizations to replicate their programs at institutions that are underserved by volunteer and not-for-profit organizations, as specified. The bill would require grant funding be provided to programs that have demonstrated success and focus on offender responsibility and restorative justice principles. The bill would require these programs to demonstrate that they will become self-sufficient or will be funded in the long term by donations or another source of ongoing funding.

(13) Existing law, until January 1, 2017, allows the secretary to enter into agreements for the transfer of prisoners to, or placement of prisoners in, community correctional centers and to enter into contracts to provide housing, sustenance, and supervision for inmates placed in community correctional centers. Existing law, until January 1, 2017, waives any process, regulation, or requirement that relates to entering into those agreements.

This bill would extend those provisions until January 1, 2020.

(14) Existing law allows any court or other agency or officer of this state having power to commit or transfer an inmate to any institution for confinement to commit or transfer that inmate to any institution outside this state if this state has entered into a contract or contracts for the confinement of inmates in that institution and the inmate, if he or she was sentenced under California law and has executed written consent to the transfer, except that existing law, until January 1, 2017, allows the secretary to transfer the inmate to a facility in another state without the consent of the inmate.

This bill would extend the authority of the secretary to transfer an inmate to a facility in another state without the consent of the inmate until January 1, 2020.

(15) Existing law prohibits the transfer of an inmate to a community correctional reentry facility unless certain conditions have been met,

including that the inmate has less than 120 days left to serve in a correctional facility.

This bill would instead condition the transfer of an inmate to a community correction reentry facility on the inmate having less than one year left to serve in a correctional facility.

(16) Existing law requires the department to work with the appropriate budget and policy committees of the Legislature and the Legislative Analyst's Office to establish appropriate oversight, evaluation, and accountability measures to be adopted as part of its "future of corrections plan." Existing law requires the plan to include periodic review by the Department of Finance's Office of State Audits and Evaluations.

This bill would repeal those provisions.

(17) Existing law requires the Department of Corrections and Rehabilitation to develop policies, as specified, related to the department's contraband interdiction efforts for individuals entering the department's detention facilities. Existing law requires the department to conduct an evaluation of the policy within 2 years of its implementation. Existing law requires this evaluation to include, among other information, the amount of contraband found in the prisons and the number of staff assaults that occurred in the prisons where the policy was implemented.

This bill would require that the evaluation additionally include the rates of drug use by inmates in the prisons where the policy was implemented. The bill would also require the department to provide an interim report detailing its evaluation of the policy to the Legislature by June 30, 2016, and a final report to the Legislature on April 30, 2017, as specified.

(18) Existing law requires the Department of Corrections and Rehabilitation, when amending regulations impacting visitation of inmates, to recognize and consider, among other things, the value of visiting as a means to improve the safety of prisons for both staff and inmates.

This bill would provide that inmates are not prohibited from family visits based solely on the fact that the inmate was sentenced to life without the possibility of parole or was sentenced to life and is without a parole date established by the Board of Parole Hearings.

(19) Existing law establishes the Commission on Correctional Peace Officer Standards and Training within the Department of Corrections and Rehabilitation and requires the commission to develop standards

for the selection and training of state correctional peace officer apprentices.

This bill would require the commission, when developing, approving, and monitoring the standards for the training of state correctional peace officer apprentices, to consider including additional training in the areas of mental health and rehabilitation, as well as coursework on the theory and history of corrections.

(20) Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice, and requires the commission to adopt rules regarding the minimum occupational standards governing peace officers. Existing law requires the commission to select a chairperson and vice chairperson from among its members.

This bill would require the Governor to designate the chair of the commission from among the members of the commission. The bill would provide that the chair would serve at the pleasure of the Governor. The bill would require the commission to annually select a vice chair from among its members.

(21) Existing law authorizes the Department of Justice to require each dealer to charge each firearm purchaser or transferee a fee not to exceed \$1 for each firearm transaction for the purpose of supporting department program costs related to the Deadly Weapons Recodification Act of 2010.

This bill would authorize the Department of Justice to increase that fee at a rate not to exceed any increase in the California Consumer Price Index and not to exceed the reasonable cost of regulation to the department.

(22) Existing law establishes the Firearms Safety and Enforcement Special Fund and continuously appropriates the moneys in the fund to the Department of Justice for purposes relating to the regulation of firearms. Existing law also authorizes the department to require firearms dealers to charge each person who obtains a firearm a fee not to exceed \$5 for each transaction. Revenues from this fee are deposited into the fund.

This bill would make the revenue deposited into that fund available for expenditure by the department upon appropriation by the Legislature. The bill would also authorize the department to increase the \$5 fee at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of

Industrial Relations, and not to exceed the reasonable cost of regulation to the department.

(23) The California Health Facilities Financing Authority Act authorizes the California Health Facilities Financing Authority (authority) to make loans from the continuously appropriated California Health Facilities Financing Authority Fund to participating health institutions for financing or refinancing the acquisition, construction, or remodeling of health facilities.

This bill would provide that funds appropriated by the Legislature to the authority for the purposes of the provisions of the bill be made available to selected counties, city and county, or counties acting jointly and used to establish a competitive grant program designed to promote diversion programs and services by increasing and expanding mental health treatment facilities, substance use disorder treatment facilities, and trauma-centered service facilities, including facilities providing services for sex trafficking victims, domestic violence victims, and victims of other violent crimes, in local communities, through the provision of infrastructure grants. The bill would require the authority to develop and to consider specified selection criteria for awarding grants, as prescribed. The bill would require the authority to provide prescribed reports to the fiscal and policy committees of the Legislature on April 1, 2018, and annually until April 1, 2020. The bill would authorize the authority to adopt emergency regulations to implement the grant program, as prescribed. The bill would prohibit funds awarded by the authority from being used to supplant existing financial and resource commitments of the grantee.

(24) Existing law establishes state hospitals for the care, treatment, and education of mentally disordered persons. These hospitals are under the jurisdiction of the State Department of State Hospitals, which is authorized by existing law to adopt regulations regarding the conduct and management of these facilities. Existing law requires that at least 20% of the 1,362 licensed beds at Napa State Hospital be available in any given fiscal year for use by counties for contracted services. Existing law also restricts the placement of patients in the remaining beds, as specified.

This bill would delete these provisions pertaining to the placement of patients in beds at Napa State Hospital.

(25) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2016.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 231 of the Code of Civil Procedure is*
2 *amended to read:*

3 231. (a) In criminal cases, if the offense charged is punishable
4 with death, or with imprisonment in the state prison for life, the
5 defendant is entitled to 20 and the people to 20 peremptory
6 challenges. Except as provided in subdivision (b), in a trial for any
7 other offense, the defendant is entitled to 10 and the state to 10
8 peremptory challenges. When two or more defendants are jointly
9 tried, their challenges shall be exercised jointly, but each defendant
10 shall also be entitled to five additional challenges which may be
11 exercised separately, and the people shall also be entitled to
12 additional challenges equal to the number of all the additional
13 separate challenges allowed the defendants.

14 (b) If the offense charged is punishable with a maximum term
15 of imprisonment of ~~90 days~~ *one year* or less, the defendant is
16 entitled to six and the state to six peremptory challenges. When
17 two or more defendants are jointly tried, their challenges shall be
18 exercised jointly, but each defendant shall also be entitled to ~~four~~
19 *two* additional challenges which may be exercised separately, and
20 the state shall also be entitled to additional challenges equal to the
21 number of all the additional separate challenges allowed the
22 defendants.

23 (c) In civil cases, each party shall be entitled to six peremptory
24 challenges. If there are more than two parties, the court shall, for
25 the purpose of allotting peremptory challenges, divide the parties
26 into two or more sides according to their respective interests in
27 the issues. Each side shall be entitled to eight peremptory
28 challenges. If there are several parties on a side, the court shall
29 divide the challenges among them as nearly equally as possible.
30 If there are more than two sides, the court shall grant such
31 additional peremptory challenges to a side as the interests of justice
32 may ~~require~~; *require*, provided that the peremptory challenges of
33 one side shall not exceed the aggregate number of peremptory

1 challenges of all other sides. If any party on a side does not use
2 his or her full share of peremptory challenges, the unused
3 challenges may be used by the other party or parties on the same
4 side.

5 (d) Peremptory challenges shall be taken or passed by the sides
6 alternately, commencing with the plaintiff or ~~people~~; *people*, and
7 each party shall be entitled to have the panel full before exercising
8 any peremptory challenge. When each side passes consecutively,
9 the jury shall then be sworn, unless the court, for good cause, shall
10 otherwise order. The number of peremptory challenges remaining
11 with a side shall not be diminished by any passing of a peremptory
12 challenge.

13 (e) If all the parties on both sides pass consecutively, the jury
14 shall then be sworn, unless the court, for good cause, shall
15 otherwise order. The number of peremptory challenges remaining
16 with a side shall not be diminished by any passing of a peremptory
17 challenge.

18 (f) *The Judicial Council shall conduct a study, and on or before*
19 *January 1, 2020, shall submit a report to the public safety*
20 *committees of both houses of the Legislature on the reductions in*
21 *peremptory challenges resulting from the enactment of the act that*
22 *added this subdivision. The study shall include, but not be limited*
23 *to, an examination of the number of peremptory challenges used*
24 *by the defendant and the state in misdemeanor jury trials, a*
25 *representative sample of the types of cases that go to jury trial,*
26 *and the resulting cost savings to the courts. The report submitted*
27 *pursuant to this subdivision shall be submitted in compliance with*
28 *Section 9795 of the Government Code.*

29 (g) *This section shall remain in effect only until January 1, 2021,*
30 *and as of that date is repealed, unless a later enacted statute, that*
31 *is enacted before January 1, 2021, deletes or extends that date.*

32 SEC. 2. *Section 231 is added to the Code of Civil Procedure,*
33 *to read:*

34 231. (a) *In criminal cases, if the offense charged is punishable*
35 *with death, or with imprisonment in the state prison for life, the*
36 *defendant is entitled to 20 and the people to 20 peremptory*
37 *challenges. Except as provided in subdivision (b), in a trial for*
38 *any other offense, the defendant is entitled to 10 and the state to*
39 *10 peremptory challenges. When two or more defendants are jointly*
40 *tried, their challenges shall be exercised jointly, but each defendant*

1 shall also be entitled to five additional challenges which may be
2 exercised separately, and the people shall also be entitled to
3 additional challenges equal to the number of all the additional
4 separate challenges allowed the defendants.

5 (b) If the offense charged is punishable with a maximum term
6 of imprisonment of 90 days or less, the defendant is entitled to six
7 and the state to six peremptory challenges. When two or more
8 defendants are jointly tried, their challenges shall be exercised
9 jointly, but each defendant shall also be entitled to four additional
10 challenges which may be exercised separately, and the state shall
11 also be entitled to additional challenges equal to the number of
12 all the additional separate challenges allowed the defendants.

13 (c) In civil cases, each party shall be entitled to six peremptory
14 challenges. If there are more than two parties, the court shall, for
15 the purpose of allotting peremptory challenges, divide the parties
16 into two or more sides according to their respective interests in
17 the issues. Each side shall be entitled to eight peremptory
18 challenges. If there are several parties on a side, the court shall
19 divide the challenges among them as nearly equally as possible.
20 If there are more than two sides, the court shall grant such
21 additional peremptory challenges to a side as the interests of justice
22 may require, provided that the peremptory challenges of one side
23 shall not exceed the aggregate number of peremptory challenges
24 of all other sides. If any party on a side does not use his or her full
25 share of peremptory challenges, the unused challenges may be
26 used by the other party or parties on the same side.

27 (d) Peremptory challenges shall be taken or passed by the sides
28 alternately, commencing with the plaintiff or people; and each
29 party shall be entitled to have the panel full before exercising any
30 peremptory challenge. When each side passes consecutively, the
31 jury shall then be sworn, unless the court, for good cause, shall
32 otherwise order. The number of peremptory challenges remaining
33 with a side shall not be diminished by any passing of a peremptory
34 challenge.

35 (e) If all the parties on both sides pass consecutively, the jury
36 shall then be sworn, unless the court, for good cause, shall
37 otherwise order. The number of peremptory challenges remaining
38 with a side shall not be diminished by any passing of a peremptory
39 challenge.

40 (f) This section shall become operative on January 1, 2021.

1 *SEC. 3. Section 7522.57 of the Government Code is amended*
2 *to read:*

3 7522.57. (a) This section shall apply to any retired person who
4 is receiving a pension benefit from a public retirement system and
5 is first appointed on or after January 1, 2013, to a salaried position
6 on a state board or commission. This section shall supersede any
7 other provision in conflict with this section.

8 (b) A person who is retired from a public retirement system
9 may serve without reinstatement from retirement or loss or
10 interruption of benefits provided that appointment is to a part-time
11 state board or commission. A retired person whose employment
12 without reinstatement is authorized by this subdivision shall acquire
13 no benefits, service credit, or retirement rights with respect to the
14 employment. Unless otherwise defined in statute, for the purpose
15 of this section, a part-time appointment shall mean an appointment
16 with a salary of no more than \$60,000 annually, which shall be
17 increased in any fiscal year in which a general salary increase is
18 provided for state employees. The amount of the increase provided
19 by this section shall be comparable to, but shall not exceed, the
20 percentage of the general salary increases provided for state
21 employees during that fiscal year.

22 (c) A person who is retired from the Public Employees'
23 Retirement System shall not serve on a full-time basis on a state
24 board or commission without reinstatement unless that person
25 serves as a nonsalaried member of the board or commission and
26 receives only per diem authorized to all members of the board or
27 commission. A person who serves as a nonsalaried member of a
28 board or commission shall not earn any service credit or benefits
29 in the Public Employees' Retirement System or make contributions
30 with respect to the service performed.

31 (d) A person retired from a public retirement system other than
32 the Public Employees' Retirement System who is appointed on a
33 full-time basis to a state board or commission shall choose one of
34 the following options:

35 (1) The person may serve as a nonsalaried member of the board
36 or commission and continue to receive his or her retirement
37 allowance, in addition to any per diem authorized to all members
38 of the board or commission. The person shall not earn service
39 credit or benefits in the Public Employees' Retirement System and
40 shall not make contributions with respect to the service performed.

1 (2) (A) The person may suspend his or her retirement allowance
2 or allowances and instate as a new member of the Public
3 Employees' Retirement System for the service performed on the
4 board or commission. The pensionable compensation earned
5 pursuant to this paragraph shall not be eligible for reciprocity with
6 any other retirement system or plan.

7 (B) Upon retiring for service after serving on the board or
8 commission, the appointee shall be entitled to reinstatement of any
9 suspended benefits, including employer provided retiree health
10 benefits, that he or she was entitled to at the time of being
11 appointed to the board or commission.

12 (e) Notwithstanding subdivisions (c) and (d), a person who
13 retires from a public employer may serve without reinstatement
14 from retirement or loss or interruption of benefits provided by the
15 retirement system upon appointment to a full-time state board
16 pursuant to Section 5075 of the Penal Code or Section 1718
17 of the Welfare and Institutions Code.

18 SEC. 4. Section 11555 of the Government Code is amended to
19 read:

20 11555. (a) Effective January 1, 1988, an annual salary of
21 seventy-one thousand five hundred eighty-seven dollars (\$71,587)
22 shall be paid to the following:

23 (1) Chairperson of the Board of Parole Hearings.

24 (2) Chairperson of the Occupational Safety and Health Appeals
25 Board.

26 (3) Chairperson of the Board of Juvenile Hearings.

27 (b) The annual compensation provided by this section shall be
28 increased in any fiscal year in which a general salary increase is
29 provided for state employees. The amount of the increase provided
30 by this section shall be comparable to, but shall not exceed, the
31 percentage of the general salary increases provided for state
32 employees during that fiscal year.

33 (c) Notwithstanding subdivision (b), any salary increase is
34 subject to Section 19825.5.

35 SEC. 5. Section 11556 of the Government Code is amended to
36 read:

37 11556. (a) Effective January 1, 1988, an annual salary of
38 sixty-nine thousand seventy-six dollars (\$69,076) shall be paid to
39 each of the following:

40 (1) Commissioner of the Board of Parole Hearings.

(2) Member of the Occupational Safety and Health Appeals Board.

(3) *Commissioner of the Board of Juvenile Hearings.*

(b) The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees during that fiscal year.

(c) Notwithstanding subdivision (b), any salary increase is subject to Section 19825.5.

SEC. 6. Section 12838 of the Government Code is amended to read:

12838. (a) There is hereby created in state government the Department of Corrections and Rehabilitation, to be headed by a secretary, who shall be appointed by the Governor, subject to Senate confirmation, and shall serve at the pleasure of the Governor. The Department of Corrections and Rehabilitation shall consist of Adult Operations, Adult Programs, Health Care Services, Juvenile Justice, the Board of Parole Hearings, *the Board of Juvenile Hearings*, the State Commission on Juvenile Justice, the Prison Industry Authority, and the Prison Industry Board.

(b) The Governor, upon recommendation of the secretary, may appoint three undersecretaries of the Department of Corrections and Rehabilitation, subject to Senate confirmation. The undersecretaries shall hold office at the pleasure of the Governor. One undersecretary shall oversee administration and offender services, one undersecretary shall oversee health care services, and one undersecretary shall oversee operations for the department.

(c) The Governor, upon recommendation of the secretary, shall appoint a Chief for the Office of Victim Services, and a Chief for the Office of Correctional Safety, both of whom shall serve at the pleasure of the Governor.

SEC. 7. Section 12838.4 of the Government Code is amended to read:

12838.4. The Board of Parole Hearings is hereby created. The Board of Parole Hearings shall be comprised of ~~17~~ 14 commissioners, who shall be appointed by the Governor, subject to Senate confirmation, for three-year terms. The Board of Parole Hearings hereby succeeds to, and is vested with, all the powers,

1 duties, responsibilities, obligations, liabilities, and jurisdiction of
2 the following entities, which shall no longer exist: Board of Prison
3 Terms, Narcotic Addict Evaluation Authority, and Youthful
4 Offender Parole Board. For purposes of this article, the above
5 entities shall be known as “predecessor entities.”

6 *SEC. 8. Section 68502.5 of the Government Code is amended*
7 *to read:*

8 68502.5. (a) The Judicial Council may, as part of its trial court
9 budget process, seek input from groups and individuals as it deems
10 ~~appropriate~~ *appropriate*, including, but not limited to, advisory
11 committees and the Administrative Director of the Courts. The
12 trial court budget process may include, but is not limited to, the
13 following:

14 (1) The receipt of budget requests from the trial courts.

15 (2) The review of the trial courts’ budget requests and evaluate
16 them against performance criteria established by the Judicial
17 Council by which a court’s performance, level of coordination,
18 and efficiency can be measured.

19 (3) The annual adoption of the projected cost in the subsequent
20 fiscal year of court operations as defined in Section 77003 for each
21 trial court. This estimation shall serve as a basis for recommended
22 court budgets, which shall be developed for comparison purposes
23 and to delineate funding responsibilities.

24 (4) The annual approval of a schedule for the allocation of
25 moneys to individual courts and an overall trial court budget for
26 forwarding to the Governor for inclusion in the Governor’s
27 proposed State Budget. The schedule shall be based on the
28 performance criteria established pursuant to paragraph (2), on a
29 minimum standard established by the Judicial Council for the
30 operation and staffing of all trial court operations, and on any other
31 factors as determined by the Judicial Council. This minimum
32 standard shall be modeled on court operations using all reasonable
33 and available measures to increase court efficiency. The schedule
34 of allocations shall assure that all trial courts receive funding for
35 the minimum operating and staffing standards before funding
36 operating and staffing requests above the minimum standards, and
37 shall include incentives and rewards for any trial court’s
38 implementation of efficiencies and cost saving measures.

39 (5) The reallocation of funds during the course of the fiscal year
40 to ensure equal access to the trial courts by the public, to improve

1 trial court operations, and to meet trial court emergencies. Neither
2 the state nor the counties shall have any obligation to replace
3 moneys appropriated for trial courts and reallocated pursuant to
4 this paragraph.

5 (6) The allocation of funds in the State Trial Court Improvement
6 and Modernization Fund to ensure equal access to trial courts by
7 the public, to improve trial court operations, and to meet trial court
8 emergencies, as expressly authorized by statute.

9 (7) Upon approval of the trial courts' budget by the Legislature,
10 the preparation during the course of the fiscal year of allocation
11 schedules for payments to the trial courts, consistent with Section
12 68085, which shall be submitted to the Controller's office at least
13 15 days before the due date of any allocation.

14 (8) The establishment of rules regarding a court's authority to
15 transfer trial court funding moneys from one functional category
16 to another in order to address needs in any functional category.

17 (9) At the request of the presiding judge of a trial court, an
18 independent review of the funding level of the court to determine
19 whether it is adequate to enable the court to discharge its statutory
20 and constitutional responsibilities.

21 (10) From time to time, a review of the level of fees charged
22 by the courts for various services and prepare recommended
23 adjustments for forwarding to the Legislature.

24 (11) Provisions set forth in rules adopted pursuant to Section
25 ~~77206 of the Government Code.~~ 77206.

26 (b) Courts and counties shall establish procedures to allow for
27 the sharing of information as it relates to approved budget proposals
28 and expenditures that impact the respective court and county
29 budgets. The procedures shall include, upon the request of a court
30 or county, that a respective court or county shall provide the
31 requesting court or county a copy of its approved budget and, to
32 the extent possible, approved program expenditure component
33 information and a description of budget changes that are anticipated
34 to have an impact on the requesting court or county. The Judicial
35 Council shall provide to the Legislature on December 31, 2001,
36 and yearly thereafter, budget expenditure data at the program
37 component level for each court.

38 (c) (1) The Judicial Council shall retain the ultimate
39 responsibility to adopt a budget and allocate funding for the trial
40 courts and perform the other activities listed in subdivision (a) that

1 best assure their ability to carry out their functions, promote
2 implementation of statewide policies, and promote the immediate
3 implementation of efficiencies and cost saving measures in court
4 operations, in order to guarantee equal access to the courts.

5 (2) (A) When setting the allocations for trial courts, the Judicial
6 Council shall set a preliminary allocation in July of each fiscal
7 year. The preliminary allocation shall include an estimate of
8 available trial court reserves as of June 30 of the prior fiscal year
9 and each court's preliminary allocation shall be offset by the
10 amount of reserves in excess of the amount authorized to be carried
11 over pursuant to subdivision (b) of Section 77203. In January of
12 each fiscal year, after review of available trial court reserves as of
13 June 30 of the prior fiscal year, the Judicial Council shall finalize
14 allocations to trial courts and each court's finalized allocation shall
15 be offset by the amount of reserves in excess of the amount
16 authorized to be carried over pursuant to subdivision (b) of Section
17 77203.

18 ~~(B) Upon preliminary determination of the allocations to trial~~
19 ~~courts pursuant to subparagraph (A), the Judicial Council shall set~~
20 ~~aside 2 percent of the total funds appropriated in Program 45.10~~
21 ~~of Item 0250-101-0932 of the annual Budget Act and these funds~~
22 ~~shall remain in the Trial Court Trust Fund. These funds shall be~~
23 ~~administered by the Judicial Council and be allocated to trial courts~~
24 ~~for unforeseen emergencies, unanticipated expenses for existing~~
25 ~~programs, or unavoidable funding shortfalls. Unavoidable funding~~
26 ~~shortfall requests for up to 1.5 percent of these funds shall be~~
27 ~~submitted by the trial courts to the Judicial Council no later than~~
28 ~~October 1 of each year. The Judicial Council shall, by October 31~~
29 ~~of each year, review and evaluate all requests submitted, select~~
30 ~~trial courts to receive funds, and notify those selected trial courts.~~
31 ~~By March 15 of each year, the Judicial Council shall distribute the~~
32 ~~remaining funds if there has been a request from a trial court for~~
33 ~~unforeseen emergencies or unanticipated expenses that has been~~
34 ~~reviewed, evaluated, and approved. Any unexpended funds shall~~
35 ~~be distributed to the trial courts on a prorated basis.~~

36 ~~(C) The Judicial Council shall, no later than April 15 of each~~
37 ~~year, report to the Legislature, pursuant to Section 9795 of the~~
38 ~~Government Code, and to the Department of Finance all requests~~
39 ~~and allocations made pursuant to subparagraph (B).~~

1 (B) The Judicial Council shall hold a reserve of ten million
2 dollars (\$10,000,000) in the Trial Court Trust Fund to be available
3 to trial courts for emergencies. The funding shall be administered
4 by the Judicial Council, and any funding allocated shall be
5 replenished on an annual basis from the trial court base
6 allocations. The Judicial Council shall establish a process for trial
7 courts to apply for emergency funding.

8 (C) The Judicial Council shall, no later than October 1 of each
9 year, report to the Legislature, pursuant to Section 9795, and to
10 the Department of Finance all requests and allocations made
11 pursuant to subparagraph (B) for the preceding year.

12 SEC. 9. Section 68085.1 of the Government Code, as amended
13 by Section 22 of Chapter 913 of the Statutes of 2014, is amended
14 to read:

15 68085.1. (a) This section applies to all fees and fines that are
16 collected on or after January 1, 2006, under all of the following:

17 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,
18 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and 1993.2 of,
19 subdivision (g) of Section 411.20 and subdivisions (c) and (g) of
20 Section 411.21 of, subdivision (b) of Section 631 of, and Chapter
21 5.5 (commencing with Section 116.110) of Title 1 of Part 1 of, the
22 Code of Civil Procedure.

23 (2) Section 3112 of the Family Code.

24 (3) Section 31622 of the Food and Agricultural Code.

25 (4) Subdivision (d) of Section 6103.5, Sections 68086 and
26 68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and
27 69953.5, and Chapter 5.8 (commencing with Section 70600).

28 (5) Section 103470 of the Health and Safety Code.

29 (6) Subdivisions (b) and (c) of Section 166 and Section 1214.1
30 of the Penal Code.

31 (7) Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate
32 Code.

33 (8) Sections 14607.6 and 16373 of the Vehicle Code.

34 (9) Section 71386 of this code, Sections 304, 7851.5, and 9002
35 of the Family Code, and Section 1513.1 of the Probate Code, if
36 the reimbursement is for expenses incurred by the court.

37 (10) Section 3153 of the Family Code, if the amount is paid to
38 the court for the cost of counsel appointed by the court to represent
39 a child.

1 (b) On and after January 1, 2006, each superior court shall
2 deposit all fees and fines listed in subdivision (a), as soon as
3 practicable after collection and on a regular basis, into a bank
4 account established for this purpose by the Administrative Office
5 of the Courts. Upon direction of the Administrative Office of the
6 Courts, the county shall deposit civil assessments under Section
7 1214.1 of the Penal Code and any other money it collects under
8 the sections listed in subdivision (a) as soon as practicable after
9 collection and on a regular basis into the bank account established
10 for this purpose and specified by the Administrative Office of the
11 Courts. The deposits shall be made as required by rules adopted
12 by, and financial policies and procedures authorized by, the Judicial
13 Council under subdivision (a) of Section 77206. Within 15 days
14 after the end of the month in which the fees and fines are collected,
15 each court, and each county that collects any fines or fees under
16 subdivision (a), shall provide the Administrative Office of the
17 Courts with a report of the fees by categories as specified by the
18 Administrative Office of the Courts. The Administrative Office
19 of the Courts and any court may agree upon a time period greater
20 than 15 days, but in no case more than 30 days after the end of the
21 month in which the fees and fines are collected. The fees and fines
22 listed in subdivision (a) shall be distributed as provided in this
23 section.

24 (c) (1) Within 45 calendar days after the end of the month in
25 which the fees and fines listed in subdivision (a) are collected, the
26 Administrative Office of the Courts shall make the following
27 distributions:

28 (A) To the small claims advisory services, as described in
29 subdivision (f) of Section 116.230 of the Code of Civil Procedure.

30 (B) To dispute resolution programs, as described in subdivision
31 (b) of Section 68085.3 and subdivision (b) of Section 68085.4.

32 (C) To the county law library funds, as described in Sections
33 116.230 and 116.760 of the Code of Civil Procedure, subdivision
34 (b) of Section 68085.3, subdivision (b) of Section 68085.4, and
35 Section 70621 of this code, and Section 14607.6 of the Vehicle
36 Code.

37 (D) To the courthouse construction funds in the Counties of
38 Riverside, San Bernardino, and San Francisco, as described in
39 Sections 70622, 70624, and 70625.

1 (E) Commencing July 1, 2011, to the Trial Court Trust Fund,
2 as described in subdivision (e) of Section 70626, to be used by the
3 Judicial Council to implement and administer the civil
4 representation pilot program under Section 68651.

5 (2) If any distribution under this subdivision is delinquent, the
6 Administrative Office of the Courts shall add a penalty to the
7 distribution as specified in subdivision (i).

8 (d) Within 45 calendar days after the end of the month in which
9 the fees and fines listed in subdivision (a) are collected, the
10 amounts remaining after the distributions in subdivision (c) shall
11 be transmitted to the State Treasury for deposit in the Trial Court
12 Trust Fund and other funds as required by law. This remittance
13 shall be accompanied by a remittance advice identifying the
14 collection month and the appropriate account in the Trial Court
15 Trust Fund or other fund to which it is to be deposited. Upon the
16 receipt of any delinquent payment required under this subdivision,
17 the Controller shall calculate a penalty as provided under
18 subdivision (i).

19 (e) From the money transmitted to the State Treasury under
20 subdivision (d), the Controller shall make deposits as follows:

21 (1) Into the State Court Facilities Construction Fund, the Judges'
22 Retirement Fund, and the Equal Access Fund, as described in
23 subdivision (c) of Section 68085.3 and subdivision (c) of Section
24 68085.4.

25 (2) Into the Health Statistics Special Fund, as described in
26 subdivision (b) of Section 70670 of this code and Section 103730
27 of the Health and Safety Code.

28 (3) Into the Family Law Trust Fund, as described in Section
29 70674.

30 (4) Into the Immediate and Critical Needs Account of the State
31 Court Facilities Construction Fund, established in Section 70371.5,
32 as described in Sections 68085.3, 68085.4, and 70657.5, and
33 subdivision (e) of Section 70617.

34 (5) The remainder of the money shall be deposited into the Trial
35 Court Trust Fund.

36 (f) The amounts collected by each superior court under Section
37 116.232, subdivision (g) of Section 411.20, and subdivision (g) of
38 Section 411.21 of the Code of Civil Procedure, Sections 304, 3112,
39 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of
40 Section 6103.5, subdivision (d) of Section 68511.3 and Sections

1 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386
2 of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the
3 Probate Code shall be added to the monthly apportionment for that
4 court under subdivision (a) of Section 68085.

5 (g) If any of the fees provided in subdivision (a) are partially
6 waived by court order or otherwise reduced, and the fee is to be
7 divided between the Trial Court Trust Fund and any other fund or
8 account, the amount of the reduction shall be deducted from the
9 amount to be distributed to each fund in the same proportion as
10 the amount of each distribution bears to the total amount of the
11 fee. If the fee is paid by installment payments, the amount
12 distributed to each fund or account from each installment shall
13 bear the same proportion to the installment payment as the full
14 distribution to that fund or account does to the full fee. If a court
15 collects a fee that was incurred before January 1, 2006, under a
16 provision that was the predecessor to one of the paragraphs
17 contained in subdivision (a), the fee may be deposited as if it were
18 collected under the paragraph of subdivision (a) that corresponds
19 to the predecessor of that paragraph and distributed in prorated
20 amounts to each fund or account to which the fee in subdivision
21 (a) must be distributed.

22 (h) Except as provided in Sections 470.5 and 6322.1 of the
23 Business and Professions Code, and Sections 70622, 70624, and
24 70625 of this code, an agency shall not take action to change the
25 amounts allocated to any of the funds described in subdivision (c),
26 (d), or (e).

27 (i) The amount of the penalty on any delinquent payment under
28 subdivision (c) or (d) shall be calculated by multiplying the amount
29 of the delinquent payment at a daily rate equivalent to 1 ½ percent
30 per month for the number of days the payment is delinquent. The
31 penalty shall be paid from the Trial Court Trust Fund. Penalties
32 on delinquent payments under subdivision (d) shall be calculated
33 only on the amounts to be distributed to the Trial Court Trust Fund
34 and the State Court Facilities Construction Fund, and each penalty
35 shall be distributed proportionately to the funds to which the
36 delinquent payment was to be distributed.

37 (j) If a delinquent payment under subdivision (c) or (d) results
38 from a delinquency by a superior court under subdivision (b), the
39 court shall reimburse the Trial Court Trust Fund for the amount
40 of the penalty. Notwithstanding Section 77009, any penalty on a

1 delinquent payment that a court is required to reimburse pursuant
2 to this section shall be paid from the court operations fund for that
3 court. The penalty shall be paid by the court to the Trial Court
4 Trust Fund no later than 45 days after the end of the month in
5 which the penalty was calculated. If the penalty is not paid within
6 the specified time, the Administrative Office of the Courts may
7 reduce the amount of a subsequent monthly allocation to the court
8 by the amount of the penalty on the delinquent payment.

9 (k) If a delinquent payment under subdivision (c) or (d) results
10 from a delinquency by a county in transmitting fees and fines listed
11 in subdivision (a) to the bank account established for this purpose,
12 as described in subdivision (b), the county shall reimburse the Trial
13 Court Trust Fund for the amount of the penalty. The penalty shall
14 be paid by the county to the Trial Court Trust Fund no later than
15 45 days after the end of the month in which the penalty was
16 calculated.

17 ~~(l) This section shall become inoperative on July 1, 2017, and,~~
18 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
19 ~~that becomes operative on or before January 1, 2018, deletes or~~
20 ~~extends the dates on which it becomes inoperative and is repealed.~~

21 *SEC. 10. Section 68085.1 of the Government Code, as amended*
22 *by Section 19 of Chapter 41 of the Statutes of 2012, is repealed.*

23 ~~68085.1. (a) This section applies to all fees and fines that are~~
24 ~~collected on or after January 1, 2006, under all of the following:~~

25 ~~(1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,~~
26 ~~704.750, 708.160, 724.100, 1134, 1161.2, 1218, and 1993.2 of,~~
27 ~~subdivision (g) of Section 411.20 and subdivisions (c) and (g) of~~
28 ~~Section 411.21 of, subdivision (b) of Section 631 of, and Chapter~~
29 ~~5.5 (commencing with Section 116.110) of Title 1 of Part 1 of, the~~
30 ~~Code of Civil Procedure.~~

31 ~~(2) Section 3112 of the Family Code.~~

32 ~~(3) Section 31622 of the Food and Agricultural Code.~~

33 ~~(4) Subdivision (d) of Section 6103.5, Sections 68086 and~~
34 ~~68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and~~
35 ~~69953.5, and Chapter 5.8 (commencing with Section 70600).~~

36 ~~(5) Section 103470 of the Health and Safety Code.~~

37 ~~(6) Subdivisions (b) and (c) of Section 166 and Section 1214.1~~
38 ~~of the Penal Code.~~

39 ~~(7) Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate~~
40 ~~Code.~~

1 ~~(8) Sections 14607.6 and 16373 of the Vehicle Code.~~

2 ~~(9) Section 71386 of this code, Sections 304, 7851.5, and 9002~~
3 ~~of the Family Code, and Section 1513.1 of the Probate Code, if~~
4 ~~the reimbursement is for expenses incurred by the court.~~

5 ~~(10) Section 3153 of the Family Code, if the amount is paid to~~
6 ~~the court for the cost of counsel appointed by the court to represent~~
7 ~~a child.~~

8 ~~(b) On and after January 1, 2006, each superior court shall~~
9 ~~deposit all fees and fines listed in subdivision (a), as soon as~~
10 ~~practicable after collection and on a regular basis, into a bank~~
11 ~~account established for this purpose by the Administrative Office~~
12 ~~of the Courts. Upon direction of the Administrative Office of the~~
13 ~~Courts, the county shall deposit civil assessments under Section~~
14 ~~1214.1 of the Penal Code and any other money it collects under~~
15 ~~the sections listed in subdivision (a) as soon as practicable after~~
16 ~~collection and on a regular basis into the bank account established~~
17 ~~for this purpose and specified by the Administrative Office of the~~
18 ~~Courts. The deposits shall be made as required by rules adopted~~
19 ~~by, and financial policies and procedures authorized by, the Judicial~~
20 ~~Council under subdivision (a) of Section 77206. Within 15 days~~
21 ~~after the end of the month in which the fees and fines are collected,~~
22 ~~each court, and each county that collects any fines or fees under~~
23 ~~subdivision (a), shall provide the Administrative Office of the~~
24 ~~Courts with a report of the fees by categories as specified by the~~
25 ~~Administrative Office of the Courts. The Administrative Office~~
26 ~~of the Courts and any court may agree upon a time period greater~~
27 ~~than 15 days, but in no case more than 30 days after the end of the~~
28 ~~month in which the fees and fines are collected. The fees and fines~~
29 ~~listed in subdivision (a) shall be distributed as provided in this~~
30 ~~section.~~

31 ~~(c) (1) Within 45 calendar days after the end of the month in~~
32 ~~which the fees and fines listed in subdivision (a) are collected, the~~
33 ~~Administrative Office of the Courts shall make the following~~
34 ~~distributions:~~

35 ~~(A) To the small claims advisory services, as described in~~
36 ~~subdivision (f) of Section 116.230 of the Code of Civil Procedure.~~

37 ~~(B) To dispute resolution programs, as described in subdivision~~
38 ~~(b) of Section 68085.3 and subdivision (b) of Section 68085.4.~~

39 ~~(C) To the county law library funds, as described in Sections~~
40 ~~116.230 and 116.760 of the Code of Civil Procedure, subdivision~~

~~(b) of Section 68085.3, subdivision (b) of Section 68085.4, and Section 70621 of this code, and Section 14607.6 of the Vehicle Code.~~

~~(D) To the courthouse construction funds in the Counties of Riverside, San Bernardino, and San Francisco, as described in Sections 70622, 70624, and 70625.~~

~~(2) If any distribution under this subdivision is delinquent, the Administrative Office of the Courts shall add a penalty to the distribution as specified in subdivision (i).~~

~~(d) Within 45 calendar days after the end of the month in which the fees and fines listed in subdivision (a) are collected, the amounts remaining after the distributions in subdivision (c) shall be transmitted to the State Treasury for deposit in the Trial Court Trust Fund and other funds as required by law. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund or other fund to which it is to be deposited. Upon the receipt of any delinquent payment required under this subdivision, the Controller shall calculate a penalty as provided under subdivision (i).~~

~~(e) From the money transmitted to the State Treasury under subdivision (d), the Controller shall make deposits as follows:~~

~~(1) Into the State Court Facilities Construction Fund, the Judges' Retirement Fund, and the Equal Access Fund, as described in subdivision (c) of Section 68085.3 and subdivision (c) of Section 68085.4.~~

~~(2) Into the Health Statistics Special Fund, as described in subdivision (b) of Section 70670 of this code and Section 103730 of the Health and Safety Code.~~

~~(3) Into the Family Law Trust Fund, as described in Section 70674.~~

~~(4) Into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5, as described in Sections 68085.3, 68085.4, and 70657.5, and subdivision (e) of Section 70617.~~

~~(5) The remainder of the money shall be deposited into the Trial Court Trust Fund.~~

~~(f) The amounts collected by each superior court under Section 116.232, subdivision (g) of Section 411.20, and subdivision (g) of Section 411.21 of the Code of Civil Procedure, Sections 304, 3112,~~

1 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of
2 Section 6103.5, subdivision (d) of Section 68511.3 and Sections
3 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386
4 of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the
5 Probate Code shall be added to the monthly apportionment for that
6 court under subdivision (a) of Section 68085.

7 (g) If any of the fees provided in subdivision (a) are partially
8 waived by court order or otherwise reduced, and the fee is to be
9 divided between the Trial Court Trust Fund and any other fund or
10 account, the amount of the reduction shall be deducted from the
11 amount to be distributed to each fund in the same proportion as
12 the amount of each distribution bears to the total amount of the
13 fee. If the fee is paid by installment payments, the amount
14 distributed to each fund or account from each installment shall
15 bear the same proportion to the installment payment as the full
16 distribution to that fund or account does to the full fee. If a court
17 collects a fee that was incurred before January 1, 2006, under a
18 provision that was the predecessor to one of the paragraphs
19 contained in subdivision (a), the fee may be deposited as if it were
20 collected under the paragraph of subdivision (a) that corresponds
21 to the predecessor of that paragraph and distributed in prorated
22 amounts to each fund or account to which the fee in subdivision
23 (a) must be distributed.

24 (h) Except as provided in Sections 470.5 and 6322.1 of the
25 Business and Professions Code, and Sections 70622, 70624, and
26 70625 of this code, no agency may take action to change the
27 amounts allocated to any of the funds described in subdivision (c);
28 (d), or (e).

29 (i) The amount of the penalty on any delinquent payment under
30 subdivision (c) or (d) shall be calculated by multiplying the amount
31 of the delinquent payment at a daily rate equivalent to $1\frac{1}{2}$ percent
32 per month for the number of days the payment is delinquent. The
33 penalty shall be paid from the Trial Court Trust Fund. Penalties
34 on delinquent payments under subdivision (d) shall be calculated
35 only on the amounts to be distributed to the Trial Court Trust Fund
36 and the State Court Facilities Construction Fund, and each penalty
37 shall be distributed proportionately to the funds to which the
38 delinquent payment was to be distributed.

39 (j) If a delinquent payment under subdivision (c) or (d) results
40 from a delinquency by a superior court under subdivision (b), the

1 court shall reimburse the Trial Court Trust Fund for the amount
2 of the penalty. Notwithstanding Section 77009, any penalty on a
3 delinquent payment that a court is required to reimburse pursuant
4 to this section shall be paid from the court operations fund for that
5 court. The penalty shall be paid by the court to the Trial Court
6 Trust Fund no later than 45 days after the end of the month in
7 which the penalty was calculated. If the penalty is not paid within
8 the specified time, the Administrative Office of the Courts may
9 reduce the amount of a subsequent monthly allocation to the court
10 by the amount of the penalty on the delinquent payment.

11 (k) If a delinquent payment under subdivision (c) or (d) results
12 from a delinquency by a county in transmitting fees and fines listed
13 in subdivision (a) to the bank account established for this purpose,
14 as described in subdivision (b), the county shall reimburse the Trial
15 Court Trust Fund for the amount of the penalty. The penalty shall
16 be paid by the county to the Trial Court Trust Fund no later than
17 45 days after the end of the month in which the penalty was
18 calculated.

19 (l) This section shall become operative on July 1, 2017.

20 *SEC. 11. Section 68651 of the Government Code is amended*
21 *to read:*

22 68651. (a) Legal counsel shall be appointed to represent
23 low-income parties in civil matters involving critical issues
24 affecting basic human needs in those specified courts selected by
25 the Judicial Council as provided in this section.

26 (b) (1) Subject to funding specifically provided for this purpose
27 pursuant to subdivision (d) (e) of Section 70626, the Judicial
28 Council shall develop one or more model pilot projects in selected
29 courts pursuant to a competitive grant process and a request for
30 proposals. Projects authorized under this section shall provide
31 representation of counsel for low-income persons who require
32 legal services in civil matters involving housing-related matters,
33 domestic violence and civil harassment restraining orders, probate
34 conservatorships, guardianships of the person, elder abuse, or
35 actions by a parent to obtain sole legal or physical custody of a
36 child, as well as providing court procedures, personnel, training,
37 and case management and administration methods that reflect best
38 practices to ensure unrepresented parties in those cases have
39 meaningful access to justice, and to gather information on the
40 outcomes associated with providing these services, to guard against

1 the involuntary waiver of those rights or their disposition by
2 default. These pilot projects should be designed to address the
3 substantial inequities in timely and effective access to justice that
4 often give rise to an undue risk of erroneous decision because of
5 the nature and complexity of the law and the proceeding or
6 disparities between the parties in education, sophistication,
7 language proficiency, legal representation, access to self-help, and
8 alternative dispute resolution services. In order to ensure that the
9 scarce funds available for the program are used to serve the most
10 critical cases and the parties least able to access the courts without
11 representation, eligibility for representation shall be limited to
12 clients whose household income falls at or below 200 percent of
13 the federal poverty level. Projects shall impose asset limitations
14 consistent with their existing practices in order to ensure optimal
15 use of funds.

16 (2) (A) In light of the significant percentage of parties who are
17 unrepresented in family law matters, proposals to provide counsel
18 in child custody cases should be considered among the highest
19 priorities for funding, particularly when one side is represented
20 and the other is not.

21 (B) Up to 20 percent of available funds shall be directed to
22 projects regarding civil matters involving actions by a parent to
23 obtain sole legal or physical custody of a child. This subparagraph
24 shall not apply to distributions made pursuant to paragraph (3).

25 (3) For the 2012–13 fiscal year, and each subsequent fiscal year,
26 any amounts collected pursuant to subdivision ~~(d)~~ (e) of Section
27 70626 in excess of the total amount transferred to the Trial Court
28 Trust Fund in the 2011–12 fiscal year pursuant to subparagraph
29 (E) of paragraph (1) of subdivision (c) of Section 68085.1 and
30 subdivision ~~(d)~~ (e) of Section 70626 shall be distributed by the
31 Judicial Council without regard to subparagraph (B) of paragraph
32 (2). Those amounts may be distributed by the Judicial Council as
33 set forth in this ~~subdivision beginning July 1, 2012.~~ *subdivision.*
34 If the funds are to be distributed to new projects, the Judicial
35 Council shall distribute those amounts pursuant to the process set
36 forth in this subdivision.

37 (4) Each project shall be a partnership between the court, a
38 qualified legal services project, as defined by subdivision (a) of
39 Section 6213 of the Business and Professions Code, that shall serve
40 as the lead agency for case assessment and direction, and other

1 legal services providers in the community who are able to provide
2 the services for the project. The lead legal services agency shall
3 be the central point of contact for receipt of referrals to the project
4 and to make determinations of eligibility based on uniform criteria.
5 The lead legal services agency shall be responsible for providing
6 representation to the clients or referring the matter to one of the
7 organization or individual providers with whom the lead legal
8 services agency contracts to provide the service. Funds received
9 by a qualified legal services project shall not qualify as
10 expenditures for the purposes of the distribution of funds pursuant
11 to Section 6216 of the Business and Professions Code. To the
12 extent practical, the lead legal services agency shall identify and
13 make use of pro bono services in order to maximize available
14 services efficiently and economically. Recognizing that not all
15 indigent parties can be afforded representation, even when they
16 have meritorious cases, the court partner shall, as a corollary to
17 the services provided by the lead legal services agency, be
18 responsible for providing procedures, personnel, training, and case
19 management and administration practices that reflect best practices
20 to ensure unrepresented parties meaningful access to justice and
21 to guard against the involuntary waiver of rights, as well as to
22 encourage fair and expeditious voluntary dispute resolution,
23 consistent with principles of judicial neutrality.

24 (5) The participating projects shall be selected by a committee
25 appointed by the Judicial Council with representation from key
26 stakeholder groups, including judicial officers, legal services
27 providers, and others, as appropriate. The committee shall assess
28 the applicants' capacity for success, innovation, and efficiency,
29 including, but not limited to, the likelihood that the project would
30 deliver quality representation in an effective manner that would
31 meet critical needs in the community and address the needs of the
32 court with regard to access to justice and calendar management,
33 and the unique local unmet needs for representation in the
34 community. Projects approved pursuant to this section shall initially
35 be authorized for a three-year period, commencing July 1, 2011,
36 subject to renewal for a period to be determined by the Judicial
37 Council, in consultation with the participating project in light of
38 the project's capacity and success. After the initial three-year
39 period, the Judicial Council shall distribute any future funds
40 available as the result of the termination or nonrenewal of a project

1 pursuant to the process set forth in this subdivision. Projects shall
2 be selected on the basis of whether in the cases proposed for service
3 the persons to be assisted are likely to be opposed by a party who
4 is represented by counsel. The Judicial Council shall also consider
5 the following factors in selecting the projects:

6 (A) The likelihood that representation in the proposed case type
7 tends to affect whether a party prevails or otherwise obtains a
8 significantly more favorable outcome in a matter in which they
9 would otherwise frequently have judgment entered against them
10 or suffer the deprivation of the basic human need at issue.

11 (B) The likelihood of reducing the risk of erroneous decision.

12 (C) The nature and severity of potential consequences for the
13 unrepresented party regarding the basic human need at stake if
14 representation is not provided.

15 (D) Whether the provision of legal services may eliminate or
16 reduce the potential need for and cost of public social services
17 regarding the basic human need at stake for the client and others
18 in the client's household.

19 (E) The unmet need for legal services in the geographic area to
20 be served.

21 (F) The availability and effectiveness of other types of court
22 services, such as self-help.

23 (6) Each applicant shall do all of the following:

24 (A) Identify the nature of the partnership between the court, the
25 lead legal services agency, and the other agencies or other providers
26 that would work within the project.

27 (B) Describe the referral protocols to be used, the criteria that
28 would be employed in case assessment, why those cases were
29 selected, the manner to address conflicts without violating any
30 attorney-client privilege when adverse parties are seeking
31 representation through the project, and the means for serving
32 potential clients who need assistance with English.

33 (C) Describe how the project would be administered, including
34 how the data collection requirements would be met without causing
35 an undue burden on the courts, clients, or the providers, the
36 particular objectives of the project, strategies to evaluate their
37 success in meeting those objectives, and the means by which the
38 project would serve the particular needs of the community, such
39 as by providing representation to limited-English-speaking clients.

(7) To ensure the most effective use of the funding available, the lead legal services agency shall serve as a hub for all referrals, and the point at which decisions are made about which referrals will be served and by whom. Referrals shall emanate from the court, as well as from the other agencies providing services through the program, and shall be directed to the lead legal services agency for review. That agency, or another agency or attorney in the event of conflict, shall collect the information necessary to assess whether the case should be served. In performing that case assessment, the agency shall determine the relative need for representation of the litigant, including all of the following:

(A) Case complexity.

(B) Whether the other party is represented.

(C) The adversarial nature of the proceeding.

(D) The availability and effectiveness of other types of services, such as self-help, in light of the potential client and the nature of the case.

(E) Language issues.

(F) Disability access issues.

(G) Literacy issues.

(H) The merits of the case.

(I) The nature and severity of potential consequences for the potential client if representation is not provided.

(J) Whether the provision of legal services may eliminate or reduce the need ~~for~~ *for*; and cost ~~of~~ *of*, public social services for the potential client and others in the potential client's household.

(8) If both parties to a dispute are financially eligible for representation, each proposal shall ensure that representation for both sides is evaluated. In these and other cases in which conflict issues arise, the lead legal services agency shall have referral protocols with other agencies and providers, such as a private attorney panel, to address those conflicts.

(9) Each pilot project shall be responsible for keeping records on the referrals accepted and those not accepted for representation, and the reasons for each, in a manner that does not violate ~~any~~ privileged communications between the agency and the prospective client. Each pilot project shall be provided with standardized data collection tools, and required to track case information for each referral to allow the evaluation to measure the number of cases served, the level of service required, and the outcomes for the

1 clients in each case. In addition to this information on the effect
2 of the representation on the clients, data shall be collected regarding
3 the outcomes for the trial courts.

4 (10) A local advisory committee shall be formed for each pilot
5 project, to include representatives of the bench and court
6 administration, the lead legal services agency, and the other
7 agencies or providers that are part of the local project team. The
8 role of the advisory committee is to facilitate the administration
9 of the local pilot project, and to ensure that the project is fulfilling
10 its objectives. In addition, the committee shall resolve any issues
11 that arise during the course of the pilot project, including issues
12 concerning case eligibility, and recommend changes in project
13 administration in response to implementation challenges. The
14 committee shall meet at least monthly for the first six months of
15 the project, and no less than quarterly for the duration of the pilot
16 period. Each authorized pilot project shall catalog changes to the
17 program made during the three-year period based on its experiences
18 with best practices in serving the eligible population.

19 (c) The Judicial Council shall conduct a study to demonstrate
20 the effectiveness and continued need for the pilot program
21 established pursuant to this section and shall report its findings
22 and recommendations to the Governor and the Legislature on or
23 before January 31, 2016. The study shall report on the percentage
24 of funding by case type and shall include data on the impact of
25 counsel on equal access to justice and the effect on court
26 administration and efficiency, and enhanced coordination between
27 courts and other government service providers and community
28 resources. This report shall describe the benefits of providing
29 representation to those who were previously not represented, both
30 for the clients and the courts, as well as strategies and
31 recommendations for maximizing the benefit of that representation
32 in the future. The report shall describe and include data, if
33 available, on the impact of the pilot program on families and
34 children. The report also shall include an assessment of the
35 continuing unmet needs and, if available, data regarding those
36 unmet needs.

37 (d) This section shall not be construed to negate, alter, or limit
38 any right to counsel in a criminal or civil action or proceeding
39 otherwise provided by state or federal law.

40 ~~(e) The section shall become operative on July 1, 2011.~~

1 *SEC. 12. Section 70626 of the Government Code, as amended*
2 *by Section 45 of Chapter 41 of the Statutes of 2012, is amended*
3 *to read:*

4 70626. (a) The fee for each of the following services is
5 twenty-five dollars (\$25). Subject to subdivision (e), amounts
6 collected shall be distributed to the Trial Court Trust Fund under
7 Section 68085.1.

8 (1) Issuing a writ of attachment, a writ of mandate, a writ of
9 execution, a writ of sale, a writ of possession, a writ of prohibition,
10 or any other writ for the enforcement of any order or judgment.

11 (2) Issuing an abstract of judgment.

12 (3) Issuing a certificate of satisfaction of judgment under Section
13 724.100 of the Code of Civil Procedure.

14 (4) Certifying a copy of any paper, record, or proceeding on file
15 in the office of the clerk of any court.

16 (5) Taking an affidavit, except in criminal cases or adoption
17 proceedings.

18 (6) Acknowledgment of any deed or other instrument, including
19 the certificate.

20 (7) Recording or registering any license or certificate, or issuing
21 any certificate in connection with a license, required by law, for
22 which a charge is not otherwise prescribed.

23 (8) Issuing any certificate for which the fee is not otherwise
24 fixed.

25 (b) The fee for each of the following services is thirty dollars
26 (\$30). Subject to subdivision (e), amounts collected shall be
27 distributed to the Trial Court Trust Fund under Section 68085.1.

28 (1) Issuing an order of sale.

29 (2) Receiving and filing an abstract of judgment rendered by a
30 judge of another court and subsequent services based on it, unless
31 the abstract of judgment is filed under Section 704.750 or 708.160
32 of the Code of Civil Procedure.

33 (3) Filing a confession of judgment under Section 1134 of the
34 Code of Civil Procedure.

35 (4) Filing an application for renewal of judgment under Section
36 683.150 of the Code of Civil Procedure.

37 (5) Issuing a commission to take a deposition in another state
38 or place under Section 2026.010 of the Code of Civil Procedure,
39 or issuing a subpoena under Section 2029.300 to take a deposition

1 in this state for purposes of a proceeding pending in another
2 jurisdiction.

3 (6) Filing and entering an award under the Workers'
4 Compensation Law (Division 4 (commencing with Section 3200)
5 of the Labor Code).

6 (7) Filing an affidavit of publication of notice of dissolution of
7 partnership.

8 (8) Filing an appeal of a determination whether a dog is
9 potentially dangerous or vicious under Section 31622 of the Food
10 and Agricultural Code.

11 (9) Filing an affidavit under Section 13200 of the Probate Code,
12 together with the issuance of one certified copy of the affidavit
13 under Section 13202 of the Probate Code.

14 (10) Filing and indexing all papers for which a charge is not
15 elsewhere provided, other than papers filed in actions or special
16 proceedings, official bonds, or certificates of appointment.

17 (c) The fee for filing a first petition under Section 2029.600 or
18 2029.620 of the Code of Civil Procedure, if the petitioner is not a
19 party to the out-of-state case, is eighty dollars (\$80). Amounts
20 collected shall be distributed to the Trial Court Trust Fund pursuant
21 to Section 68085.1.

22 (d) The fee for delivering a will to the clerk of the superior court
23 in which the estate of a decedent may be administered, as required
24 by Section 8200 of the Probate Code, is fifty dollars (\$50).

25 (e) ~~From July 1, 2011, to June 30, 2017, inclusive, ten~~ *An*
26 *amount equivalent to ten* dollars (\$10) of each fee collected
27 pursuant to subdivisions (a) and (b) shall be used by the Judicial
28 Council for the expenses of the Judicial Council in implementing
29 and administering the civil representation pilot program under
30 Section 68651.

31 (f) ~~This section shall become inoperative on July 1, 2017, and,~~
32 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
33 ~~that becomes operative on or before January 1, 2018, deletes or~~
34 ~~extends the dates on which it becomes inoperative and is repealed.~~

35 *SEC. 13. Section 70626 of the Government Code, as amended*
36 *by Section 46 of Chapter 41 of the Statutes of 2012, is repealed.*

37 ~~70626. (a) The fee for each of the following services is fifteen~~
38 ~~dollars (\$15). Amounts collected shall be distributed to the Trial~~
39 ~~Court Trust Fund under Section 68085.1.~~

1 ~~(1) Issuing a writ of attachment, a writ of mandate, a writ of~~
2 ~~execution, a writ of sale, a writ of possession, a writ of prohibition,~~
3 ~~or any other writ for the enforcement of any order or judgment.~~

4 ~~(2) Issuing an abstract of judgment.~~

5 ~~(3) Issuing a certificate of satisfaction of judgment under Section~~
6 ~~724.100 of the Code of Civil Procedure.~~

7 ~~(4) Certifying a copy of any paper, record, or proceeding on file~~
8 ~~in the office of the clerk of any court.~~

9 ~~(5) Taking an affidavit, except in criminal cases or adoption~~
10 ~~proceedings.~~

11 ~~(6) Acknowledgment of any deed or other instrument, including~~
12 ~~the certificate.~~

13 ~~(7) Recording or registering any license or certificate, or issuing~~
14 ~~any certificate in connection with a license, required by law, for~~
15 ~~which a charge is not otherwise prescribed.~~

16 ~~(8) Issuing any certificate for which the fee is not otherwise~~
17 ~~fixed.~~

18 ~~(b) The fee for each of the following services is twenty dollars~~
19 ~~(\$20). Amounts collected shall be distributed to the Trial Court~~
20 ~~Trust Fund under Section 68085.1.~~

21 ~~(1) Issuing an order of sale.~~

22 ~~(2) Receiving and filing an abstract of judgment rendered by a~~
23 ~~judge of another court and subsequent services based on it, unless~~
24 ~~the abstract of judgment is filed under Section 704.750 or 708.160~~
25 ~~of the Code of Civil Procedure.~~

26 ~~(3) Filing a confession of judgment under Section 1134 of the~~
27 ~~Code of Civil Procedure.~~

28 ~~(4) Filing an application for renewal of judgment under Section~~
29 ~~683.150 of the Code of Civil Procedure.~~

30 ~~(5) Issuing a commission to take a deposition in another state~~
31 ~~or place under Section 2026.010 of the Code of Civil Procedure,~~
32 ~~or issuing a subpoena under Section 2029.300 to take a deposition~~
33 ~~in this state for purposes of a proceeding pending in another~~
34 ~~jurisdiction.~~

35 ~~(6) Filing and entering an award under the Workers'~~
36 ~~Compensation Law (Division 4 (commencing with Section 3200)~~
37 ~~of the Labor Code).~~

38 ~~(7) Filing an affidavit of publication of notice of dissolution of~~
39 ~~partnership.~~

1 ~~(8) Filing an appeal of a determination whether a dog is~~
2 ~~potentially dangerous or vicious under Section 31622 of the Food~~
3 ~~and Agricultural Code.~~

4 ~~(9) Filing an affidavit under Section 13200 of the Probate Code,~~
5 ~~together with the issuance of one certified copy of the affidavit~~
6 ~~under Section 13202 of the Probate Code.~~

7 ~~(10) Filing and indexing all papers for which a charge is not~~
8 ~~elsewhere provided, other than papers filed in actions or special~~
9 ~~proceedings, official bonds, or certificates of appointment.~~

10 ~~(e) The fee for filing a first petition under Section 2029.600 or~~
11 ~~2029.620 of the Code of Civil Procedure, if the petitioner is not a~~
12 ~~party to the out-of-state case, is eighty dollars (\$80). Amounts~~
13 ~~collected shall be distributed to the Trial Court Trust Fund pursuant~~
14 ~~to Section 68085.1.~~

15 ~~(d) The fee for delivering a will to the clerk of the superior court~~
16 ~~in which the estate of a decedent may be administered, as required~~
17 ~~by Section 8200 of the Probate Code, is fifty dollars (\$50).~~

18 ~~(e) This section shall become operative on July 1, 2017.~~

19 *SEC. 14. The Legislature hereby finds and declares all of the*
20 *following:*

21 *(a) The courts provide various and diverse services to the public*
22 *that are necessary for the protection of the fundamental liberties*
23 *of our society.*

24 *(b) Court services are heavily subsidized by the General Fund.*
25 *If the total cost were passed on to the user, it would result in*
26 *prohibitively expensive fees for even minor transactions.*

27 *(c) Traditionally, funding for many court-administered programs*
28 *has been linked to the filing and processing of court documents.*

29 *(d) The linking of filing fees and the allocation of amounts*
30 *equivalent to specified percentages of those fees to various*
31 *programs provides an accounting mechanism, as a way to estimate*
32 *how much funding a program will receive and to direct that*
33 *funding, and is not intended to be indicative of the actual*
34 *distribution of the specific fees or the cost of the actual services*
35 *provided, for which General Fund moneys are largely used.*

36 *SEC. 15. Section 320.6 of the Penal Code is amended to read:*

37 *320.6. (a) Notwithstanding Section 320.5, this section shall*
38 *apply to an eligible organization, as defined in subdivision (c).*

39 *(b) A raffle conducted by an eligible organization, as defined*
40 *in subdivision (c), for the purpose of directly supporting beneficial*

1 or charitable purposes or financially supporting another private,
2 nonprofit eligible organization, as defined in subdivision (c) of
3 Section 320.5, that performs beneficial or charitable purposes may
4 be conducted in accordance with this section.

5 (c) For purposes of this section, “eligible organization” means
6 a private, nonprofit organization established by, or affiliated with,
7 a team from the Major League Baseball, National Hockey League,
8 National Basketball Association, National Football League,
9 Women’s National Basketball Association, or Major League
10 Soccer, or a private, nonprofit organization established by the
11 Professional Golfers’ Association of America, Ladies Professional
12 Golf Association, or National Association for Stock Car Auto
13 Racing that has been qualified to conduct business in California
14 for at least one year before conducting a raffle, is qualified for an
15 exemption under Section 501(c)(3) of the Internal Revenue Code,
16 and is exempt from taxation pursuant to Section 23701a, 23701b,
17 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, 23701t, or
18 23701w of the Revenue and Taxation Code.

19 (d) For purposes of this section, “raffle” means a scheme for
20 the distribution of prizes by chance among persons who have paid
21 money for paper tickets that provide the opportunity to win these
22 prizes, in which all of the following are true:

23 (1) Each ticket sold contains a unique and matching identifier.

24 (2) (A) Winners of the prizes are determined by a manual draw
25 from tickets described in paragraph (1) that have been sold for
26 entry in the manual draw.

27 (B) An electronic device may be used to sell tickets. The ticket
28 receipt issued by the electronic device to the purchaser may include
29 more than one unique and matching identifier, representative of
30 and matched to the number of tickets purchased in a single
31 transaction.

32 (C) A random number generator is not used for the manual draw
33 or to sell tickets.

34 (D) The prize paid to the winner is comprised of one-half or 50
35 percent of the gross receipts generated from the sale of raffle tickets
36 for a raffle.

37 (3) The manual draw is conducted in California under the
38 supervision of a natural person who meets all of the following
39 requirements:

40 (A) The person is 18 years of age or older.

1 (B) The person is affiliated with the eligible organization
2 conducting the raffle.

3 (C) The person is registered with the Department of Justice
4 pursuant to paragraph (4) of subdivision (o).

5 (4) (A) Fifty percent of the gross receipts generated from the
6 sale of raffle tickets for any given manual draw are used by the
7 eligible organization conducting the raffle to benefit or provide
8 support for beneficial or charitable purposes, or used to benefit
9 another private, nonprofit organization, provided that an
10 organization receiving these funds is itself an eligible organization
11 as defined in subdivision (c) of Section 320.5. As used in this
12 section, “beneficial purposes” excludes purposes that are intended
13 to benefit officers, directors, or members, as defined by Section
14 5056 of the Corporations Code, of the eligible organization. Funds
15 raised by raffles conducted pursuant to this section shall not be
16 used to fund any beneficial, charitable, or other purpose outside
17 of California. This section does not preclude an eligible
18 organization from using funds from sources other than the sale of
19 raffle tickets to pay for the administration or other costs of
20 conducting a raffle.

21 (B) An employee of an eligible organization who is a direct
22 seller of raffle tickets shall not be treated as an employee for
23 purposes of workers’ compensation under Section 3351 of the
24 Labor Code if the following conditions are satisfied:

25 (i) Substantially all of the remuneration, whether or not paid in
26 cash, for the performance of the service of selling raffle tickets is
27 directly related to sales rather than to the number of hours worked.

28 (ii) The services performed by the person are performed pursuant
29 to a written contract between the seller and the eligible organization
30 and the contract provides that the person will not be treated as an
31 employee with respect to the selling of raffle tickets for workers’
32 compensation purposes.

33 (C) For purposes of this section, an employee selling raffle
34 tickets shall be deemed to be a direct seller as described in Section
35 650 of the Unemployment Insurance Code as long as he or she
36 meets the requirements of that section.

37 (e) A person who receives compensation in connection with the
38 operation of the raffle shall be an employee of the eligible
39 organization that is conducting the raffle, and in no event may

1 compensation be paid from revenues required to be dedicated to
2 beneficial or charitable purposes.

3 (f) A raffle ticket shall not be sold in exchange for Bitcoin or
4 any other cryptocurrency.

5 (g) A raffle otherwise permitted under this section shall not be
6 conducted by means of, or otherwise utilize, any gaming machine
7 that meets the definition of slot machine contained in Section 330a,
8 330b, or 330.1.

9 (h) (1) A raffle otherwise permitted under this section shall not
10 be conducted, nor may tickets for a raffle be sold, within an
11 operating satellite wagering facility or racetrack inclosure licensed
12 pursuant to the Horse Racing Law (Chapter 4 (commencing with
13 Section 19400) of Division 8 of the Business and Professions Code)
14 or within a gambling establishment licensed pursuant to the
15 Gambling Control Act (Chapter 5 (commencing with Section
16 19800) of Division 8 of the Business and Professions Code).

17 (2) A raffle shall not be operated or conducted in any manner
18 over the Internet, nor may raffle tickets be sold, traded, or redeemed
19 over the Internet. For purposes of this paragraph, an eligible
20 organization shall not be deemed to operate or conduct a raffle
21 over the Internet, or sell raffle tickets over the Internet, if the
22 eligible organization advertises its raffle on the Internet or permits
23 others to do so. Information that may be conveyed on an Internet
24 Web site pursuant to this paragraph includes, but is not limited to,
25 all of the following:

26 (A) Lists, descriptions, photographs, or videos of the raffle
27 prizes.

28 (B) Lists of the prize winners.

29 (C) The rules of the raffle.

30 (D) Frequently asked questions and their answers.

31 (E) Raffle entry forms, which may be downloaded from the
32 Internet Web site for manual completion by raffle ticket purchasers,
33 but shall not be submitted to the eligible organization through the
34 Internet.

35 (F) Raffle contact information, including the eligible
36 organization's name, address, telephone number, facsimile number,
37 or email address.

38 (i) An individual, corporation, partnership, or other legal entity
39 shall not hold a financial interest in the conduct of a raffle, except
40 the eligible organization that is itself authorized to conduct that

1 raffle, and any private, nonprofit, eligible organizations receiving
2 financial support from that charitable organization pursuant to
3 subdivisions (b) and (d).

4 (j) (1) An eligible organization may conduct a major league
5 sports raffle only at a home game.

6 (2) An eligible organization shall not conduct more than one
7 major league sports raffle per home game.

8 (k) An employee shall not sell raffle tickets in any seating area
9 designated as a family section.

10 (l) An eligible organization shall disclose to all ticket purchasers
11 the designated private, nonprofit, eligible organization for which
12 the raffle is being conducted.

13 (m) An eligible organization that conducts a raffle to financially
14 support another private, nonprofit eligible organization, as defined
15 in subdivision (c) of Section 320.5, shall distribute all proceeds
16 not paid out to the winners of the prizes to the private, nonprofit
17 organization within 15 days of conducting the raffle, in accordance
18 with this section.

19 (n) Any raffle prize remaining unclaimed by a winner at the end
20 of the season for a team with an affiliated eligible organization
21 that conducted a raffle to financially support another private,
22 nonprofit eligible organization, as defined in subdivision (c) of
23 Section 320.5, shall be donated within 30 days from the end of the
24 season by the eligible organization to the designated private,
25 nonprofit organization for which the raffle was conducted.

26 (o) (1) (A) An eligible organization shall not conduct a raffle
27 authorized under this section, unless it has a valid registration
28 issued by the Department of Justice. The department shall furnish
29 a registration form via the Internet or upon request to eligible
30 nonprofit organizations. The department shall, by regulation, collect
31 only the information necessary to carry out the provisions of this
32 section on this form. This information shall include, but is not
33 limited to, the following:

34 (i) The name and address of the eligible organization.

35 (ii) The federal tax identification number, the corporate number
36 issued by the Secretary of State, the organization number issued
37 by the Franchise Tax Board, or the California charitable trust
38 identification number of the eligible organization.

39 (iii) The name and title of a responsible fiduciary of the
40 organization.

1 (B) (i) The department may require an eligible organization to
2 pay a minimum annual registration fee of five thousand dollars
3 (\$5,000) to cover the reasonable costs of the department to
4 administer and enforce this section.

5 (ii) An eligible organization shall pay, in addition to the annual
6 registration application fee, one hundred dollars (\$100) for every
7 individual raffle conducted at an eligible location to cover the
8 reasonable costs of the department to administer and enforce this
9 section. This fee shall be submitted in conjunction with the annual
10 registration form.

11 (2) (A) A manufacturer or distributor of raffle-related products
12 or services shall not conduct business with an eligible organization
13 for purposes of conducting a raffle pursuant to this section unless
14 the manufacturer or distributor has a valid annual registration
15 issued by the department.

16 (B) The department may require a manufacturer or distributor
17 of raffle-related products or services to pay a minimum annual
18 registration fee of five thousand dollars (\$5,000) to cover the
19 reasonable costs of the department to administer and enforce this
20 section.

21 (3) An eligible organization shall register the equipment used
22 in the sale and distribution of raffle tickets, and shall have the
23 equipment tested by an independent gaming testing lab.

24 (4) (A) A person affiliated with an eligible organization who
25 conducts the manual draw shall annually register with the
26 department.

27 (B) The department may require a person affiliated with an
28 eligible organization who conducts the manual draw to pay a
29 minimum annual registration fee of ten dollars (\$10) to cover the
30 reasonable costs of the department to administer and enforce this
31 section.

32 (5) (A) The department may, by regulation, adjust the annual
33 registration fees described in this section as needed to ensure that
34 revenues will fully offset, but not exceed, the reasonable costs
35 incurred by the department pursuant to this section. The fees shall
36 be deposited by the department into the ~~General Fund~~. *Major*
37 *League Sporting Event Raffle Fund, which is hereby created in*
38 *the State Treasury.*

39 (B) *A loan is hereby authorized from the General Fund to the*
40 *Major League Sporting Event Raffle Fund on or after July 1, 2016,*

1 *in an amount of up to one million five thousand dollars*
2 *(\$1,005,000) to address department workload related to the initial*
3 *implementation activities relating to this section by the*
4 *department's Indian and Gaming Law Section. The terms and*
5 *conditions of the loan shall first be approved by the Department*
6 *of Finance pursuant to appropriate fiscal standards. The loan*
7 *shall be subject to all of the following conditions:*

8 *(i) Of the total amount loaned, no more than three hundred*
9 *thirty-five thousand dollars (\$335,000) shall be provided annually*
10 *to the department.*

11 *(ii) The loan shall be repaid to the General Fund as soon as*
12 *there is sufficient money in the Major League Sporting Event Raffle*
13 *Fund to repay the loan, but no later than December 31, 2018.*

14 *(iii) Interest on the loan shall be paid from the Major League*
15 *Sporting Event Raffle Fund at the rate accruing to moneys in the*
16 *Pooled Money Investment Account.*

17 (6) The department shall receive moneys for the costs incurred
18 pursuant to this section subject to an appropriation by the
19 Legislature.

20 (7) The department shall adopt, on or before June 1, 2016,
21 regulations necessary to effectuate this section, including
22 emergency regulations, pursuant to the Administrative Procedure
23 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
24 Division 3 of Title 2 of the Government Code).

25 (8) The department shall maintain an automated database of all
26 registrants.

27 (9) A local law enforcement agency shall notify the department
28 of any arrests or investigation that may result in an administrative
29 or criminal action against a registrant.

30 (10) The department may investigate all suspected violations
31 of this section or any regulation adopted pursuant to this section,
32 or any activity that the registrant has engaged in that is not in the
33 best interests of the public's health, safety, or general welfare as
34 it pertains to charitable raffles.

35 (11) The department may audit the records and other documents
36 of a registrant to ensure compliance with this section, and may
37 charge a registrant the direct costs associated with an audit
38 conducted pursuant to this paragraph.

39 (12) (A) Once registered, an eligible organization shall file
40 annually thereafter with the department a report that includes all

- 1 of the following information for each of the eligible organization's
2 last three fiscal years:
- 3 (i) The aggregate gross receipts from the operation of raffles.
 - 4 (ii) The aggregate direct costs incurred by the eligible
5 organization from the operation of raffles.
 - 6 (iii) The charitable or beneficial purposes for which proceeds
7 of the raffles were used.
 - 8 (iv) The aggregate distributions of proceeds from the operation
9 of raffles made to directly support beneficial or charitable purposes,
10 other than beneficial or charitable purposes undertaken by the
11 eligible organization, or eligible recipient organizations, under
12 subdivision (c) of Section 320.5.
 - 13 (v) The aggregate distributions of proceeds from the operation
14 of raffles made to raffle winners.
 - 15 (vi) The aggregate distributions of proceeds from the operation
16 of raffles made to any other organizations, or for any other
17 purposes, other than those included in clauses (ii), (iv), and (v).
 - 18 (vii) A schedule of distributions of proceeds from the operation
19 of raffles, by individual raffle, made to eligible recipient
20 organizations under subdivision (c) of Section 320.5 that are not
21 affiliated with the eligible organization.
 - 22 (viii) A schedule of distributions of proceeds from the operation
23 of raffles, by individual raffle, made to eligible recipient
24 organizations under subdivision (c) of Section 320.5 that are
25 affiliated with the eligible organization.
 - 26 (ix) A schedule of distributions of proceeds from the operation
27 of raffles, by individual raffle, made to any other organization not
28 included under clause (vii) or (viii), or for beneficial or charitable
29 purposes undertaken by the eligible organization.
 - 30 (x) The aggregate gross receipts from activities other than the
31 operation of raffles.
 - 32 (xi) The aggregate costs incurred by the eligible organization
33 from activities other than the operation of raffles.
 - 34 (xii) The aggregate distributions of funds other than proceeds
35 from the operation of raffles made to directly support beneficial
36 or charitable purposes or eligible recipient organizations under
37 subdivision (c) of Section 320.5.
 - 38 (xiii) The aggregate distributions of funds other than proceeds
39 from the operation of raffles for purposes other than those listed
40 in clauses (xi) and (xii).

1 (xiv) A schedule of distributions of funds other than proceeds
2 from the operation of raffles made to eligible recipient
3 organizations under subdivision (c) of Section 320.5 that are not
4 affiliated with the eligible organization.

5 (xv) A schedule of distributions of funds other than proceeds
6 from the operation of raffles made to any other organization not
7 included under clause (xiv), or for beneficial or charitable purposes
8 undertaken by the eligible organization.

9 (B) Failure to submit the annual report to the department as
10 required in this paragraph shall be grounds for denial of an annual
11 registration.

12 (C) The department shall make the reports required by this
13 paragraph available to the public via the online search portal of
14 the Attorney General's Registry of Charitable Trusts maintained
15 pursuant to Section 12584 of the Government Code.

16 (13) The department shall annually furnish to registrants a form
17 to collect this information.

18 (p) The department may take legal action against a registrant if
19 it determines that the registrant has violated this section or a
20 regulation adopted pursuant to this section, or that the registrant
21 has engaged in any conduct that is not in the best interests of the
22 public's health, safety, or general welfare. An action taken pursuant
23 to this subdivision does not prohibit the commencement of an
24 administrative or criminal action by the Attorney General, a district
25 attorney, city attorney, or county counsel.

26 (q) An action and hearing conducted to deny, revoke, or suspend
27 a registry, or other administrative action taken against a registrant,
28 shall be conducted pursuant to the Administrative Procedure Act
29 (Chapters 4.5 (commencing with Section 11400) and 5
30 (commencing with Section 11500) of Part 1 of Division 3 of Title
31 2 of the Government Code). The department may seek civil
32 remedies, including imposing fines, for violations of this section,
33 and may seek recovery of the costs incurred in investigating or
34 prosecuting an action against a registrant or applicant in accordance
35 with those procedures specified in Section 125.3 of the Business
36 and Professions Code. A proceeding conducted under this
37 subdivision is subject to judicial review pursuant to Section 1094.5
38 of the Code of Civil Procedure. A violation of this section shall
39 not constitute a crime.

(r) This section shall remain in effect only until December 31, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before December 31, 2018, deletes or extends that date.

SEC. 16. Chapter 2.92 (commencing with Section 1001.85) is added to Title 6 of Part 2 of the Penal Code, to read:

CHAPTER 2.92. LAW ENFORCEMENT ASSISTED DIVERSION
(LEAD) PILOT PROGRAM

1001.85. (a) The Law Enforcement Assisted Diversion (LEAD) pilot program is hereby established. The purpose of the LEAD program is to improve public safety and reduce recidivism by increasing the availability and use of social service resources while reducing costs to law enforcement agencies and courts stemming from repeated incarceration.

(b) LEAD pilot programs shall be consistent with the following principles, implemented to address and reflect the priorities of the community in which the program exists:

(1) Providing intensive case management services and an individually tailored intervention plan that acts as a blueprint for assisting LEAD participants.

(2) Prioritizing temporary and permanent housing that includes individualized supportive services, without preconditions of drug or alcohol treatment or abstinence from drugs or alcohol.

(3) Employing human and social service resources in coordination with law enforcement in a manner that improves individual outcomes and community safety, and promotes community wellness.

(4) Participation in LEAD services shall be voluntary throughout the duration of the program and shall not require abstinence from drug or alcohol use as a condition of continued participation.

1001.86. (a) The LEAD program shall be administered by the Board of State and Community Corrections.

(b) The board shall award grants, on a competitive basis, to up to three jurisdictions as authorized by this chapter. The board shall establish minimum standards, funding schedules, and procedures for awarding grants, which shall take into consideration, but not be limited to, all of the following:

1 (1) Information from the applicant demonstrating a clear
2 understanding of the program's purpose and the applicant's
3 willingness and ability to implement the LEAD program as
4 described in this chapter.

5 (2) Key local partners who would be committed to, and involved
6 in, the development and successful implementation of a LEAD
7 program, including, but not limited to, balanced representation
8 from law enforcement agencies, prosecutorial agencies, public
9 defenders and defense counsel, public health and social services
10 agencies, case management service providers, and any other
11 entities identified by the applicant as integral to the successful
12 implementation of a LEAD program in the jurisdiction.

13 (3) The jurisdiction's capacity and commitment to coordinate
14 social services, law enforcement efforts, and justice system
15 decisionmaking processes, and to work to ensure that the
16 discretionary decisions made by each participant in the
17 administration of the program operates in a manner consistent
18 with the purposes of this chapter.

19 (c) Successful grant applicants shall collect and maintain data
20 pertaining to the effectiveness of the program as indicated by the
21 board in the request for proposals.

22 1001.87. (a) LEAD programs funded pursuant to this chapter
23 shall consist of a strategy of effective intervention for eligible
24 participants consistent with the following gateways to services:

25 (1) Prebooking referral. As an alternative to arrest, a law
26 enforcement officer may take or refer a person for whom the officer
27 has probable cause for arrest for any of the offenses in subdivision
28 (b) to a case manager to be screened for immediate crisis services
29 and to schedule a complete assessment intake interview.
30 Participation in LEAD diversion shall be voluntary, and the person
31 may decline to participate in the program at any time. Criminal
32 charges based on the conduct for which a person is diverted to
33 LEAD shall not be filed, provided that the person finishes the
34 complete assessment intake interview within a period set by the
35 local jurisdictional partners, but not to exceed 30 days after the
36 referral.

37 (2) Social contact referral. A law enforcement officer may refer
38 an individual to LEAD whom he or she believes is at high risk of
39 arrest in the future for any of the crimes specified in subdivision
40 (b), provided that the individual meets the criteria specified in this

1 paragraph and expresses interest in voluntarily participating in
2 the program. LEAD may accept these referrals if the program has
3 capacity after responding to prebooking diversion referrals
4 described in paragraph (1). All social contact referrals to LEAD
5 shall meet the following criteria:

6 (A) Verification by law enforcement that the individual has had
7 prior involvement with low-level drug activity or prostitution.
8 Verification shall consist of any of the following:

9 (i) Criminal history records, including, but not limited to, prior
10 police reports, arrests, jail bookings, criminal charges, or
11 convictions indicating that he or she was engaged in low-level
12 drug or prostitution activity.

13 (ii) Law enforcement has directly observed the individual's
14 low-level drug or prostitution activity on prior occasions.

15 (iii) Law enforcement has a reliable basis of information to
16 believe that the individual is engaged in low-level drug or
17 prostitution activity, including, but not limited to, information
18 provided by another first responder, a professional, or a credible
19 community member.

20 (B) The individual's prior involvement with low-level drug or
21 prostitution activity occurred within the LEAD pilot program area.

22 (C) The individual's prior involvement with low-level drug or
23 prostitution activity occurred within 24 months of the date of
24 referral.

25 (D) The individual does not have a pending case in drug court
26 or mental health court.

27 (E) The individual is not prohibited, by means of an existing
28 no-contact order, temporary restraining order, or antiharassment
29 order, from making contact with a current LEAD participant.

30 (b) The following offenses are eligible for either prebooking
31 diversion, social contact referral, or both:

32 (1) Possession for sale or transfer of a controlled substance or
33 other prohibited substance where the circumstances indicate that
34 the sale or transfer is intended to provide a subsistence living or
35 to allow the person to obtain or afford drugs for his or her own
36 consumption.

37 (2) Sale or transfer of a controlled substance or other prohibited
38 substance where the circumstances indicate that the sale or transfer
39 is intended to provide a subsistence living or to allow the person
40 to obtain or afford drugs for his or her own consumption.

1 (3) *Possession of a controlled substance or other prohibited*
2 *substance.*

3 (4) *Being under the influence of a controlled substance or other*
4 *prohibited substance.*

5 (5) *Being under the influence of alcohol and a controlled*
6 *substance or other prohibited substance.*

7 (6) *Prostitution pursuant to subdivision (b) of Section 647.*

8 1001.88. (a) *Services provided pursuant to this chapter may*
9 *include, but are not limited to, case management, housing, medical*
10 *care, mental health care, treatment for alcohol or substance use*
11 *disorders, nutritional counseling and treatment, psychological*
12 *counseling, employment, employment training and education, civil*
13 *legal services, and system navigation. Grant funding may be used*
14 *to support any of the following:*

15 (1) *Project management and community engagement.*

16 (2) *Temporary services and treatment necessary to stabilize a*
17 *participant's condition, including necessary housing.*

18 (3) *Outreach and direct service costs for services described in*
19 *this section.*

20 (4) *Civil legal services for LEAD participants.*

21 (5) *Dedicated prosecutorial resources, including for*
22 *coordinating any nondiverted criminal cases of LEAD participants.*

23 (6) *Dedicated law enforcement resources, including for overtime*
24 *required for participation in operational meetings and training.*

25 (7) *Training and technical assistance from experts in the*
26 *implementation of LEAD in other jurisdictions.*

27 (8) *Collecting and maintaining the data necessary for program*
28 *evaluation.*

29 (b) (1) *The board shall contract with a nonprofit research*
30 *entity, university, or college to evaluate the effectiveness of the*
31 *LEAD program. The evaluation design shall include measures to*
32 *assess the cost-benefit outcomes of LEAD programs compared to*
33 *booking and prosecution, and may include evaluation elements*
34 *such as comparing outcomes for LEAD participants to similarly*
35 *situated offenders who are arrested and booked, the number of*
36 *jail bookings, total number of jail days, the prison incarceration*
37 *rate, subsequent felony and misdemeanor arrests or convictions,*
38 *and costs to the criminal justice and court systems. Savings will*
39 *be compared to costs of LEAD participation. By January 1, 2020,*

1 a report of the findings shall be submitted to the Governor and
2 the Legislature pursuant to Section 9795 of the Government Code.

3 (2) The requirement for submitting a report pursuant to this
4 subdivision is inoperative on January 1, 2024, pursuant to Section
5 10231.5 of the Government Code.

6 (c) The board may contract with experts in the implementation
7 of LEAD in other jurisdictions for the purpose of providing
8 technical assistance to participating jurisdictions.

9 (d) The sum of fifteen million dollars (\$15,000,000) is hereby
10 appropriated from the General Fund for the LEAD pilot program
11 authorized in this chapter. The board may spend up to five hundred
12 fifty thousand dollars (\$550,000) of the amount appropriated in
13 this subdivision for the contracts authorized in subdivisions (b)
14 and (c).

15 SEC. 17. Section 2694.5 is added to the Penal Code, to read:

16 2694.5. (a) The Department of Corrections and Rehabilitation,
17 under the oversight of the Undersecretary of Health Care Services,
18 shall establish a three-year pilot program at one or more
19 institutions that will provide a medically assisted substance use
20 disorder treatment model for treatment of inmates with a history
21 of substance use problems. The program shall offer a continuum
22 of evidenced-based care that is designed to meet the needs of the
23 persons being served and that is appropriate for a correctional
24 setting. In establishing the program, the department shall consider
25 all of the following:

26 (1) Access to services during an inmate's enrollment in the pilot
27 program.

28 (2) Access to subacute detoxification and medical detoxification,
29 as necessary.

30 (3) Comprehensive pretreatment and posttreatment assessments.

31 (4) Ongoing evaluation of an inmate's program needs and
32 progress at least every 90 days, and appropriate adjustment of
33 treatment based on that evaluation.

34 (5) Services provided by professionals for whom substance use
35 disorder treatment is within the scope of their practice.

36 (6) Referrals for medically assisted care and prescription of
37 medication-assisted treatment.

38 (7) Provision of behavioral health services, including the
39 capacity to treat cooccurring mental illness.

1 (8) *Access to medication-assisted treatment throughout the*
2 *period of incarceration up to and including immediately prior to*
3 *release.*

4 (9) *Linkages to community-based treatment upon parole.*

5 (b) (1) *The department shall report to the fiscal and appropriate*
6 *policy committees of the Legislature on March 1, 2017, and each*
7 *March 1 thereafter during the tenure of the pilot project. The report*
8 *shall include all of the following elements:*

9 (A) *The planned inmate capacity of the program.*

10 (B) *The number of persons enrolled in the program.*

11 (C) *The number of persons who leave the treatment program*
12 *against medical advice and the number of persons who are*
13 *discharged from the program prior to achieving their treatment*
14 *goals.*

15 (D) *The percentage of participants with negative urine*
16 *toxicology screens for illicit substances during treatment and*
17 *post-treatment while incarcerated.*

18 (E) *The number of persons who are successfully linked to*
19 *postrelease treatment.*

20 (2) (A) *The requirement for submitting a report imposed under*
21 *this subdivision is inoperative on March 1, 2025, pursuant to*
22 *Section 10231.5 of the Government Code.*

23 (B) *A report to be submitted pursuant to this subdivision shall*
24 *be submitted in compliance with Section 9795 of the Government*
25 *Code.*

26 SEC. 18. *Section 2910 of the Penal Code, as amended by*
27 *Section 13 of Chapter 310 of the Statutes of 2013, is amended to*
28 *read:*

29 2910. (a) *The Secretary of the Department of Corrections and*
30 *Rehabilitation may enter into an agreement with a city, county, or*
31 *city and county to permit transfer of prisoners in the custody of*
32 *the secretary to a jail or other adult correctional facility of the city,*
33 *county, or city and county, if the sheriff or corresponding official*
34 *having jurisdiction over the facility has consented thereto. The*
35 *agreement shall provide for contributions to the city, county, or*
36 *city and county toward payment of costs incurred with reference*
37 *to such transferred prisoners.*

38 (b) *For purposes of this section, a transfer of prisoners under*
39 *subdivision (a) may include inmates who have been sentenced to*
40 *the department but remain housed in a county jail. These prisoners*

1 shall be under the sole legal custody and jurisdiction of the sheriff
2 or corresponding official having jurisdiction over the facility and
3 shall not be under the legal custody or jurisdiction of the
4 Department of Corrections and Rehabilitation.

5 (c) Notwithstanding any other law, for purposes of entering into
6 agreements under subdivision (a), any process, regulation,
7 requirement, including any state governmental reviews or
8 approvals, or third-party approval that is required under, or
9 implemented pursuant to, any statute that relates to entering into
10 those agreements is hereby waived.

11 (d) When an agreement entered into pursuant to subdivision (a)
12 or (c) is in effect with respect to a particular local facility, the
13 secretary may transfer prisoners whose terms of imprisonment
14 have been fixed and parole violators to the facility.

15 (e) Prisoners so transferred to a local facility may, with notice
16 to the secretary, participate in programs of the facility, including,
17 but not limited to, work furlough rehabilitation programs.

18 (f) The secretary, to the extent possible, shall select city, county,
19 or city and county facilities in areas where medical, food, and other
20 support services are available from nearby existing prison facilities.

21 (g) The secretary, with the approval of the Department of
22 General Services, may enter into an agreement to lease state
23 property for a period not in excess of 20 years to be used as the
24 site for a facility operated by a city, county, or city and county
25 authorized by this section.

26 (h) This section shall remain in effect only until January 1, ~~2017~~,
27 2020, and as of that date is repealed, unless a later enacted statute,
28 that is enacted before January 1, ~~2017~~, 2020, deletes or extends
29 that date.

30 *SEC. 19. Section 2910 of the Penal Code, as added by Section*
31 *14 of Chapter 310 of the Statutes of 2013, is amended to read:*

32 2910. (a) The Secretary of the Department of Corrections and
33 Rehabilitation may enter into an agreement with a city, county, or
34 city and county to permit transfer of prisoners in the custody of
35 the secretary to a jail or other adult correctional facility of the city,
36 county, or city and county, if the sheriff or corresponding official
37 having jurisdiction over the facility has consented thereto. The
38 agreement shall provide for contributions to the city, county, or
39 city and county toward payment of costs incurred with reference
40 to such transferred prisoners.

1 (b) When an agreement entered into pursuant to subdivision (a)
2 is in effect with respect to a particular local facility, the secretary
3 may transfer prisoners whose terms of imprisonment have been
4 fixed and parole violators to the facility.

5 (c) Prisoners so transferred to a local facility may, with approval
6 of the secretary, participate in programs of the facility, including,
7 but not limited to, work furlough rehabilitation programs.

8 (d) Prisoners transferred to such facilities are subject to the rules
9 and regulations of the facility in which they are confined, but
10 remain under the legal custody of the Department of Corrections
11 and Rehabilitation and shall be subject at any time, pursuant to the
12 rules and regulations of the secretary, to be detained in the county
13 jail upon the exercise of a state parole or correctional officer's
14 peace officer powers, as specified in Section 830.5, with the
15 consent of the sheriff or corresponding official having jurisdiction
16 over the facility.

17 (e) The secretary, to the extent possible, shall select city, county,
18 or city and county facilities in areas where medical, food, and other
19 support services are available from nearby existing prison facilities.

20 (f) The secretary, with the approval of the Department of
21 General Services, may enter into an agreement to lease state
22 property for a period not in excess of 20 years to be used as the
23 site for a facility operated by a city, county, or city and county
24 authorized by this section.

25 (g) An agreement shall not be entered into under this section
26 unless the cost per inmate in the facility is no greater than the
27 average costs of keeping an inmate in a comparable facility of the
28 department, as determined by the secretary.

29 (h) This section shall become operative on January 1, ~~2017~~.
30 2020.

31 *SEC. 20. Section 2915 of the Penal Code is amended to read:*

32 2915. (a) The Secretary of the Department of Corrections and
33 Rehabilitation may enter into one or more agreements to obtain
34 secure housing capacity within the state. These agreements may
35 be entered into with private entities and may be in the form of a
36 lease or an operating agreement. The secretary may procure and
37 enter these agreements on terms and conditions he or she deems
38 necessary and appropriate. Notwithstanding any other law, any
39 process, regulation, requirement, including any state governmental
40 reviews or approvals, or third-party approval that is required under

1 statutes that relate to the procurement and implementation of those
2 agreements is hereby waived, however, no agreement shall contain
3 terms, either directly or indirectly, that involve the repayment of
4 any debt issuance or other financing and, consistent with state law,
5 shall provide that payment of that agreement is subject to
6 appropriation.

7 (b) The Secretary of the Department of Corrections and
8 Rehabilitation may enter into one or more agreements to obtain
9 secure housing capacity in another state. These agreements may
10 be entered into with private entities and may be in the form of an
11 operating agreement or other contract. The secretary may procure
12 and enter these agreements on terms and conditions he or she
13 deems necessary and appropriate. Notwithstanding any other law,
14 any process, regulation, requirement, including any state
15 governmental reviews or approvals, or third-party approval that
16 is required under statutes that relate to the procurement and
17 implementation of those agreements is hereby waived, however,
18 no agreement shall contain terms, either directly or indirectly, that
19 involve the repayment of any debt issuance or other financing and,
20 consistent with state law, shall provide that payment of that
21 agreement is subject to appropriation. This subdivision does not
22 authorize the department to operate a facility out of state.

23 (c) The provisions of Division 13 (commencing with Section
24 21000) of the Public Resources Code do not apply to this section.

25 (d) This section shall remain in effect only until January 1, ~~2017~~,
26 2020, and as of that date is repealed, unless a later enacted statute,
27 that is enacted before January 1, ~~2017~~, 2020, deletes or extends
28 that date.

29 *SEC. 21. Section 5027 is added to the Penal Code, to read:*

30 *5027. (a) Upon appropriation by the Legislature in the annual*
31 *Budget Act, the Department of Corrections and Rehabilitation*
32 *shall award funding for an innovative grant program to*
33 *not-for-profit organizations to replicate their programs at*
34 *institutions that the Director of the Division of Rehabilitative*
35 *Programs has determined are underserved by volunteer and*
36 *not-for-profit organizations. The director shall develop a formula*
37 *for identifying target institutions based upon factors including,*
38 *but not limited to, number of volunteers, number of inmates,*
39 *number of volunteer-based programs, and the size of waiting lists*
40 *for inmates wanting to participate in programs.*

1 (b) Grant funding shall be provided to not-for-profit
2 organizations wishing to expand programs that they are currently
3 providing in other California state prisons that have demonstrated
4 success and focus on offender responsibility and restorative justice
5 principles. The grants shall be awarded for a three-year period
6 and are designed to be one time in nature. The grants shall go to
7 programs that demonstrate that they will become self-sufficient or
8 will be funded in the long term by donations or another source of
9 ongoing funding. All funding shall go directly to the not-for-profit
10 organizations and shall not be used for custody staff or
11 administration of the grant. Any unspent funds shall revert to the
12 fund source authorized for this purpose at the end of three years.

13 (c) On or before January 1 of each year, the department shall
14 report to the budget committees and public safety committees in
15 both houses of the Legislature on the following information from
16 the previous fiscal year's grants:

- 17 (1) The number of grants provided.
- 18 (2) The institutions receiving grants.
- 19 (3) A description of each program and level of funding provided,
20 organized by institution.
- 21 (4) The start date of each program.
- 22 (5) Any feedback from inmates participating in the programs
23 on the value of the programs.
- 24 (6) Any feedback from the program providers on their
25 experience with each institution.
- 26 (7) The number of participants participating in each program.
- 27 (8) The number of participants completing each program.
- 28 (9) Waiting lists, if any, for each program.

29 SEC. 22. Section 5032 of the Penal Code is repealed.

30 ~~5032. The department, as directed by the Department of~~
31 ~~Finance, shall work with the appropriate budget and policy~~
32 ~~committees of the Legislature and the Legislative Analyst's Office~~
33 ~~to establish appropriate oversight, evaluation, and accountability~~
34 ~~measures that shall be adopted as part of their "future of corrections~~
35 ~~plan." This shall include a periodic review, conducted by the~~
36 ~~Department of Finance's Office of State Audits and Evaluations,~~
37 ~~that assesses the fiscal benchmarks of the plan. The Office of State~~
38 ~~Audits and Evaluations shall report to the Governor and the~~
39 ~~Legislature on its findings and recommendations annually with~~
40 ~~the first report submitted by April 1, 2013. Reports to the~~

1 ~~Legislature shall be submitted in compliance with Section 9795~~
2 ~~of the Government Code.~~

3 *SEC. 23. Section 5075 of the Penal Code is amended to read:*

4 5075. (a) Commencing July 1, 2005, there is hereby created
5 the Board of Parole Hearings. As of July 1, 2005, any reference
6 to the Board of Prison Terms in this or any other code refers to the
7 Board of Parole Hearings. As of that date, the Board of Prison
8 Terms is abolished.

9 (b) The Governor shall appoint ~~17~~ 14 commissioners, subject
10 to Senate confirmation, pursuant to this section. ~~Of those 17~~
11 ~~commissioners, 12~~ *These commissioners* shall be appointed and
12 trained to hear only adult matters, ~~and five shall be appointed and~~
13 ~~trained to hear only juvenile~~ matters. The terms of the
14 commissioners shall expire as follows: eight on July 1, 2007, and
15 nine on July 1, 2008. Successor commissioners shall hold office
16 for terms of three years, each term to commence on the expiration
17 date of the predecessor. Any appointment to a vacancy that occurs
18 for any reason other than expiration of the term shall be for the
19 remainder of the unexpired term. Commissioners are eligible for
20 reappointment. The selection of persons and their appointment by
21 the Governor and confirmation by the Senate shall reflect as nearly
22 as possible a cross section of the racial, sexual, economic, and
23 geographic features of the population of the state.

24 (c) The chair of the board shall be designated by the Governor
25 periodically. The Governor may appoint an executive officer of
26 the board, subject to Senate confirmation, who shall hold office
27 at the pleasure of the Governor. The executive officer shall be the
28 administrative head of the board and shall exercise all duties and
29 functions necessary to insure that the responsibilities of the board
30 are successfully discharged. The secretary shall be the appointing
31 authority for all civil service positions of employment with the
32 board.

33 (d) Each commissioner shall participate in hearings on each
34 workday, except when it is necessary for a commissioner to attend
35 training, en banc hearings or full board meetings, or other
36 administrative business requiring the participation of the
37 commissioner. For purposes of this subdivision, these hearings
38 shall include parole consideration hearings, parole rescission
39 hearings, and parole progress hearings.

40 *SEC. 24. Section 5075.1 of the Penal Code is amended to read:*

1 5075.1. The Board of Parole Hearings shall do all of the
2 following:

3 (a) Conduct parole consideration hearings, parole rescission
4 hearings, and parole progress hearings for adults and juveniles
5 under the jurisdiction of the department.

6 (b) Conduct mentally disordered offender hearings.

7 (c) Conduct sexually violent predator hearings.

8 (d) Review inmates' requests for reconsideration of denial of
9 good-time credit and setting of parole length or conditions, pursuant
10 to Section 5077.

11 (e) Determine revocation of parole for adult offenders under
12 the jurisdiction of the Division of Adult Parole Operations, pursuant
13 to Section 5077.

14 ~~(f) Carry out the functions described in Section 1719 of the~~
15 ~~Welfare and Institutions Code, and make every order granting and~~
16 ~~revoking parole and issuing final discharges to any person under~~
17 ~~the jurisdiction of the Department of Corrections and~~
18 ~~Rehabilitation.~~

19 ~~(g)~~

20 (f) Conduct studies pursuant to Section 3150 of the Welfare and
21 Institutions Code.

22 ~~(h)~~

23 (g) Investigate and report on all applications for reprieves,
24 pardons, and commutation of sentence, as provided in Title 6
25 (commencing with Section 4800) of Part 3.

26 ~~(i)~~

27 (h) Exercise other powers and duties as prescribed by law.

28 ~~(j)~~

29 (i) Effective January 1, 2007, all commissioners appointed and
30 trained to hear juvenile parole matters, together with their duties
31 prescribed by law as functions of the Board of Parole Hearings
32 concerning wards under the jurisdiction of the Department of
33 Corrections and Rehabilitation, are transferred to the Director of
34 the Division of Juvenile Justice. All applicable regulations in effect
35 at the time of transfer shall be deemed to apply to those
36 commissioners until new regulations are adopted.

37 *SEC. 25. Section 5075.6 of the Penal Code is amended to read:*

38 ~~5075.6.—(a) (1) Commissioners and deputy commissioners~~
39 ~~hearing matters pursuant to subdivision (f) of Section 5075.1, or~~
40 ~~any other matter involving wards under the jurisdiction of the~~

1 Division of Juvenile Facilities, shall have a broad background in,
2 and ability for, appraisal of youthful law offenders and delinquents,
3 the circumstances of delinquency for which those persons are
4 committed, and the evaluation of an individual's progress toward
5 reformation. Insofar as practicable, commissioners and deputy
6 commissioners selected to hear these matters also shall have a
7 varied and sympathetic interest in youth correction work and shall
8 have experience or education in the fields of corrections, sociology,
9 law, law enforcement, mental health, medicine, drug treatment, or
10 education.

11 (2) Within 60 days of appointment and annually thereafter,
12 commissioners and deputy commissioners described in subdivision
13 (a) shall undergo a minimum of 40 hours of training in the
14 following areas:

15 (A) Treatment and training programs provided to wards at
16 Department of Corrections and Rehabilitation institutions,
17 including, but not limited to, educational, vocational, mental health,
18 medical, substance abuse, psychotherapeutic counseling, and sex
19 offender treatment programs.

20 (B) Current national research on effective interventions with
21 juvenile offenders and how they compare to department program
22 and treatment services.

23 (C) Parole Services.

24 (D) Commissioner duties and responsibilities.

25 (E) Knowledge of laws and regulations applicable to conducting
26 parole hearings, including the rights of victims, witnesses, and
27 wards.

28 (F) Factors influencing ward lengths of stay and ward recidivism
29 rates and their relationship to one another.

30 (b) (1) —

31 5075.6. (a) Commissioners and deputy commissioners hearing
32 matters concerning adults under the jurisdiction of the Department
33 of Corrections and Rehabilitation shall have a broad background
34 in criminal justice and an ability for appraisal of adult offenders,
35 the crimes for which those persons are committed, and the
36 evaluation of an individual's progress toward reformation. Insofar
37 as practicable, commissioners and deputy commissioners shall
38 have a varied interest in adult correction work, public safety, and
39 shall have experience or education in the fields of corrections,

1 sociology, law, law enforcement, medicine, mental health, or
2 education.

3 ~~(2)~~

4 (b) All commissioners and deputy commissioners who conduct
5 hearings for the purpose of considering the parole suitability of
6 inmates, the setting of a parole release date for inmates, or the
7 revocation of parole for adult parolees, shall, within 60 days of
8 appointment and annually thereafter undergo a minimum of 40
9 hours of training in the following areas:

10 ~~(A)~~

11 (1) Treatment and training programs provided to inmates at
12 Department of Corrections and Rehabilitation institutions,
13 including, but not limited to, educational, vocational, mental health,
14 medical, substance abuse, psychotherapeutic counseling, and sex
15 offender treatment programs.

16 ~~(B)~~

17 (2) Parole services.

18 ~~(C)~~

19 (3) Commissioner duties and responsibilities.

20 ~~(D)~~

21 (4) Knowledge of laws and regulations applicable to conducting
22 parole hearings, including the rights of victims, witnesses, and
23 inmates.

24 *SEC. 26. Section 5076.1 of the Penal Code is amended to read:*

25 5076.1. (a) The board shall meet at each of the state prisons
26 and facilities under the jurisdiction of ~~the Division of Juvenile~~
27 ~~Facilities.~~ *the Division of Adult Institutions.* Meetings shall be held
28 at whatever times may be necessary for a full and complete study
29 of the cases of all inmates and wards whose matters are considered.
30 Other times and places of meeting may also be designated by the
31 board. Each commissioner of the board shall receive his or her
32 actual necessary traveling expenses incurred in the performance
33 of his or her official duties. Where the board performs its functions
34 by meeting en banc in either public or executive sessions to decide
35 matters of general policy, at least seven members shall be present,
36 and no action shall be valid unless it is concurred in by a majority
37 vote of those present.

38 (b) The board may use deputy commissioners to whom it may
39 assign appropriate duties, including hearing cases and making
40 decisions. Those decisions shall be made in accordance with

1 policies approved by a majority of the total membership of the
2 board.

3 (c) The board may meet and transact business in panels. Each
4 panel shall consist of two or more persons, subject to subdivision
5 (d) of Section 3041. No action shall be valid unless concurred in
6 by a majority vote of the persons present. In the event of a tie vote,
7 the matter shall be referred to a randomly selected committee,
8 comprised of a majority of the commissioners specifically
9 appointed to hear adult parole matters and who are holding office
10 at the time.

11 ~~(d) When determining whether commissioners or deputy~~
12 ~~commissioners shall hear matters pursuant to subdivision (f) of~~
13 ~~Section 5075.1, or any other matter submitted to the board~~
14 ~~involving wards under the jurisdiction of the Division of Juvenile~~
15 ~~Facilities, the chair shall take into account the degree of complexity~~
16 ~~of the issues presented by the case. Any decision resulting in the~~
17 ~~extension of a parole consideration date shall entitle a ward to~~
18 ~~appeal the decision to a panel comprised of two or more~~
19 ~~commissioners, of which no more than one may be a deputy~~
20 ~~commissioner. The panel shall consider and act upon the appeal~~
21 ~~in accordance with rules established by the board.~~

22 (e)
23 (d) Consideration of parole release for persons sentenced to life
24 imprisonment pursuant to subdivision (b) of Section 1168 shall
25 be heard by a panel of two or more commissioners or deputy
26 commissioners, of which only one may be a deputy commissioner.
27 A recommendation for recall of a sentence under subdivisions (d)
28 and (e) of Section 1170 shall be made by a panel, a majority of
29 whose commissioners are commissioners of the Board of Parole
30 Hearings.

31 *SEC. 27. Section 6025.1 of the Penal Code is amended to read:*

32 6025.1. (a) Members of the board, with the exception of the
33 Chair of the Board of State and Community Corrections, shall
34 receive no compensation, but shall be reimbursed for their actual
35 and necessary travel expenses incurred in the performance of their
36 duties. For purposes of compensation, attendance at meetings of
37 the board shall be deemed performance by a member of the duties
38 of his or her state or local governmental employment. ~~For purposes~~
39 ~~of Section 1090 of the Government Code, members of a committee~~
40 ~~created by the board, including a member of the board in his or~~

1 her capacity as a member of a committee created by the board,
2 have no financial interest in any contract made by the board,
3 including a grant or bond financing transaction, based upon the
4 receipt of compensation for holding public office or public
5 employment.

6 *(b) For the purposes of Section 1090 of the Government Code,*
7 *members of a committee created by the board pursuant to Section*
8 *6046.3 or a committee created with the primary purpose of*
9 *administering grant funding from the Edward Byrne Memorial*
10 *Justice Assistance Grant Program (42 U.S.C. Sec. 3751(a)),*
11 *including a member of the board in his or her capacity as a*
12 *member of a committee created by the board, have no financial*
13 *interest in any contract made by the board, including a grant or*
14 *bond financing transaction, based upon the receipt of compensation*
15 *for holding public office or public employment.*

16 ~~(b)~~

17 *(c) The Chair of the Board of State and Community Corrections*
18 *shall serve full time. The Department of Human Resources shall*
19 *fix the compensation of the Chair of the Board of State and*
20 *Community Corrections.*

21 *(d) The amendments to this section by the act that added this*
22 *subdivision are effective for grant awards made by the board on*
23 *or after July 1, 2016.*

24 *SEC. 28. Section 6250.2 of the Penal Code is amended to read:*

25 6250.2. (a) The Secretary of the Department of Corrections
26 and Rehabilitation may enter into agreements for the transfer of
27 prisoners to, or placement of prisoners in, community correctional
28 centers. The secretary may enter into contracts to provide housing,
29 sustenance, and supervision for inmates placed in community
30 correctional centers.

31 (b) Notwithstanding any other law, for the purposes of entering
32 into agreements under subdivision (a), any process, regulation,
33 requirement, including any state government reviews or approvals,
34 or third-party approval that is required under, or implemented
35 pursuant to, any statute that relates to entering into those
36 agreements is hereby waived.

37 (c) This section shall remain in effect only until January 1, 2017,
38 2020, and as of that date is repealed, unless a later enacted statute,
39 that is enacted before January 1, 2017, 2020, deletes or extends
40 that date.

1 *SEC. 29. Section 6258.1 of the Penal Code is amended to read:*

2 6258.1. ~~No~~An inmate shall *not* be transferred to a community
3 correctional reentry facility unless all of the following conditions
4 are met:

5 (a) The inmate applies for a transfer to a community correctional
6 reentry facility.

7 (b) The inmate is not currently serving a sentence for conviction
8 of any offense described in subdivision (c) of Section 667.5.

9 (c) The inmate has less than ~~120 days~~ *one year* left to serve in
10 a correctional facility.

11 (d) The inmate has not been convicted previously of an escape
12 pursuant to Section 4532 of the Penal Code.

13 (e) The department determines that the inmate would benefit
14 from the transfer.

15 *SEC. 30. Section 6402 of the Penal Code is amended to read:*

16 6402. The Department of Corrections and Rehabilitation
17 (CDCR) shall develop policies related to the department's
18 contraband interdiction efforts for individuals entering CDCR
19 detention facilities. When developed, these policies shall include,
20 but not be limited to, the following specifications:

21 (a) Application to all individuals, including visitors, all
22 department staff, including executive staff, volunteers, and contract
23 employees.

24 (b) Use of methods to ensure that profiling is not practiced
25 during random searches or searches of all individuals entering the
26 prison at that time.

27 (c) Establishment of unpredictable, random search efforts and
28 methods that ensures that no one, except department employees
29 specifically designated to conduct the random search, shall have
30 advance notice of when a random search is scheduled.

31 (d) All visitors attempting to enter a CDCR detention facility
32 shall be informed that they may refuse to be searched by a passive
33 alert dog.

34 (e) All visitors attempting to enter a CDCR detention facility
35 who refuse to be searched by a passive alert dog shall be informed
36 of options, including, but not limited to, the availability of a
37 noncontact visit.

38 (f) All individuals attempting to enter a CDCR detention facility,
39 who have a positive alert for contraband by an electronic drug

1 detection device, a passive alert dog, or other technology, shall be
2 informed of further potential search or visitation options.

3 (g) Establishment of a method by which an individual may
4 demonstrate an authorized health-related use of a controlled
5 substance when a positive alert is noted by an electronic drug
6 detection device, a passive alert dog, or other technology.

7 (h) Establishment of specific requirements for additional search
8 options when multiple positive alerts occur on an individual
9 employee within a specified timeframe.

10 (i) In determining which additional search options to offer
11 visitors and staff, CDCR shall consider the use of full-body
12 scanners.

13 ~~(j) CDCR shall, within two years of implementation of the policy~~
14 ~~described in this section, shall conduct an evaluation of the policy.~~
15 *a policy described in this section and provide an interim report to*
16 *the Legislature by June 30, 2016, and a final report to the*
17 *Legislature on April 30, 2017. This evaluation shall include, but*
18 *not be limited to, the impact of the policy on:*

19 (1) The amount of contraband, including drugs and cellular
20 phones, found in the prisons where the policy was implemented.

21 (2) The number of staff assaults that occurred in the prisons
22 where the policy was implemented.

23 (3) The number of serious rules violation reports issued in
24 prisons where the policy was implemented, including any reduction
25 in offender violence.

26 (4) *The rates of drug use by inmates in the prisons where the*
27 *policy was implemented.*

28 (k) (1) *The requirement for submitting a report imposed under*
29 *subdivision (j) is inoperative on June 30, 2020, pursuant to Section*
30 *10231.5 of the Government Code.*

31 (2) *The reports to be submitted pursuant to subdivision (j) shall*
32 *be submitted in compliance with Section 9795 of the Government*
33 *Code.*

34 SEC. 31. Section 6404 is added to the Penal Code, to read:

35 6404. Inmates shall not be prohibited from family visits based
36 solely on the fact that the inmate was sentenced to life without the
37 possibility of parole or was sentenced to life and is without a parole
38 date established by the Board of Parole Hearings.

1 *SEC. 32. Section 11191 of the Penal Code, as amended by*
2 *Section 17 of Chapter 310 of the Statutes of 2013, is amended to*
3 *read:*

4 11191. (a) Any court or other agency or officer of this state
5 having power to commit or transfer an inmate, as defined in Article
6 II(d) of the Interstate Corrections Compact or of the Western
7 Interstate Corrections Compact, to any institution for confinement
8 may commit or transfer that inmate to any institution within or
9 without this state if this state has entered into a contract or contracts
10 for the confinement of inmates in that institution pursuant to Article
11 III of the Interstate Corrections Compact or of the Western
12 Interstate Corrections Compact.

13 (b) An inmate sentenced under California law shall not be
14 committed or transferred to an institution outside of this state,
15 unless he or she has executed a written consent to the transfer. The
16 inmate shall have the right to a private consultation with an attorney
17 of his choice, or with a public defender if the inmate cannot afford
18 counsel, concerning his rights and obligations under this section,
19 and shall be informed of those rights prior to executing the written
20 consent. At any time more than five years after the transfer, the
21 inmate shall be entitled to revoke his consent and to transfer to an
22 institution in this state. In such cases, the transfer shall occur within
23 the next 30 days.

24 (c) Notwithstanding the requirements in this section or Section
25 11194, the secretary may transfer an inmate to a facility in another
26 state without the consent of the inmate.

27 (d) Inmates who volunteer by submitting a request to transfer
28 and are otherwise eligible shall receive first priority under this
29 section.

30 (e) This section shall remain in effect only until January 1, ~~2017~~,
31 2020, and as of that date is repealed, unless a later enacted statute,
32 that is enacted before January 1, ~~2017~~, 2020, deletes or extends
33 that date.

34 *SEC. 33. Section 11191 of the Penal Code, as added by Section*
35 *18 of Chapter 310 of the Statutes of 2013, is amended to read:*

36 11191. (a) Any court or other agency or officer of this state
37 having power to commit or transfer an inmate, as defined in Article
38 II(d) of the Interstate Corrections Compact or of the Western
39 Interstate Corrections Compact, to any institution for confinement
40 may commit or transfer that inmate to any institution within or

1 outside of this state if this state has entered into a contract or
2 contracts for the confinement of inmates in that institution pursuant
3 to Article III of the Interstate Corrections Compact or of the
4 Western Interstate Corrections Compact.

5 (b) No inmate sentenced under California law may be committed
6 or transferred to an institution outside of this state, unless he or
7 she has executed a written consent to the transfer. The inmate shall
8 have the right to a private consultation with an attorney of his
9 choice, or with a public defender if the inmate cannot afford
10 counsel, concerning his rights and obligations under this section,
11 and shall be informed of those rights prior to executing the written
12 consent. At any time more than five years after the transfer, the
13 inmate shall be entitled to revoke his consent and to transfer to an
14 institution in this state. In such cases, the transfer shall occur within
15 the next 30 days.

16 (c) This section shall become operative on January 1, ~~2017~~.
17 2020.

18 *SEC. 34. Section 13501 of the Penal Code is amended to read:*

19 13501. The Governor shall designate the chair of the
20 commission from among the members of the commission. The
21 person designated as the chair shall serve at the pleasure of the
22 Governor. The commission shall annually select a ~~chairman and~~
23 ~~a vice chairman~~ vice chair from among its members. A majority
24 of the members of the commission shall constitute a quorum.

25 *SEC. 35. Section 13601 of the Penal Code is amended to read:*

26 13601. (a) (1) The CPOST shall develop, approve, and
27 monitor standards for the selection and training of state correctional
28 peace officer apprentices. ~~Any~~

29 (2) Any standard for selection established under this subdivision
30 shall be subject to approval by the Department of Human
31 Resources. Using the psychological and screening standards
32 approved by the Department of Human Resources, the Department
33 of Human Resources or the Department of Corrections and
34 Rehabilitation shall ensure that, prior to training, each applicant
35 who has otherwise qualified in all physical and other testing
36 requirements to be a peace officer the Department of Corrections
37 and Rehabilitation, is determined to be free from emotional or
38 mental conditions that might adversely affect the exercise of his
39 or her duties and powers as a peace officer pursuant to the standards
40 developed by CPOST.

1 (3) *When developing, approving, and monitoring the standards*
2 *for training of state correctional peace officer apprentices, the*
3 *CPOST shall consider including additional training in the areas*
4 *of mental health and rehabilitation, as well as coursework on the*
5 *theory and history of corrections.*

6 (b) The CPOST may approve standards for a course in the
7 carrying and use of firearms for correctional peace officers that is
8 different from that prescribed pursuant to Section 832. The
9 standards shall take into consideration the different circumstances
10 presented within the institutional setting from that presented to
11 other law enforcement agencies outside the correctional setting.

12 (c) Notwithstanding Section 3078 of the Labor Code, the length
13 of the probationary period for correctional peace officer apprentices
14 shall be determined by the CPOST subject to approval by the State
15 Personnel Board, pursuant to Section 19170 of the Government
16 Code.

17 (d) The CPOST shall develop, approve, and monitor standards
18 for advanced rank-and-file and supervisory state correctional peace
19 officer and training programs for the Department of Corrections
20 and Rehabilitation. When a correctional peace officer is promoted
21 within the department, he or she shall be provided with and be
22 required to complete these secondary training experiences.

23 (e) The CPOST shall develop, approve, and monitor standards
24 for the training of state correctional peace officers in the department
25 in the handling of stress associated with their duties.

26 (f) Toward the accomplishment of the objectives of this section,
27 the CPOST may confer with, and may avail itself of the assistance
28 and recommendations of, other state and local agencies, boards,
29 or commissions.

30 (g) Notwithstanding the authority of the CPOST, the department
31 shall design and deliver training programs, shall conduct validation
32 studies, and shall provide program support. The CPOST shall
33 monitor program compliance by the department.

34 (h) The CPOST may disapprove any training courses created
35 by the department pursuant to the standards developed by CPOST
36 if it determines that the courses do not meet the prescribed
37 standards. Training may continue with existing curriculum pending
38 resolution.

39 (i) The CPOST shall annually submit an estimate of costs to
40 conduct those inquiries and audits as may be necessary to determine

whether the department and each of its institutions and parole regions are adhering to the standards developed by the CPOST, and shall conduct those inquiries and audits consistent with the annual Budget Act.

(j) The CPOST shall establish and implement procedures for reviewing and issuing decisions concerning complaints or recommendations from interested parties regarding the CPOST rules, regulations, standards, or decisions.

~~(k) This section shall become operative July 1, 2015.~~

SEC. 36. Section 23690 of the Penal Code is amended to read:

23690. (a) (1) The Department of Justice may require each dealer to charge each firearm purchaser or transferee a fee not to exceed one dollar (\$1) for each firearm ~~transaction~~ *transaction*, except that the Department of Justice may increase the fee at a rate not to exceed any increase in the California Consumer Price Index, as compiled and reported by the Department of Industrial Relations, and not to exceed the reasonable cost of regulation to the Department of Justice.

(2) The fee shall be for the purpose of supporting department program costs related to this act, including the establishment, maintenance, and upgrading of related database systems and public rosters.

(b) (1) There is hereby created within the General Fund the Firearm Safety Account.

(2) Revenue from the fee imposed by subdivision (a) shall be deposited into the Firearm Safety Account and shall be available for expenditure by the Department of Justice upon appropriation by the Legislature.

(3) Expenditures from the Firearm Safety Account shall be limited to program expenditures as defined by subdivision (a).

SEC. 37. Section 28300 of the Penal Code is amended to read:

28300. (a) The Firearms Safety and Enforcement Special Fund is hereby established in the State Treasury and shall be administered by the Department of Justice.

~~(b) Notwithstanding Section 13340 of the Government Code, all moneys in the fund are continuously appropriated to the Department of Justice, without regard to fiscal years, for the purpose of implementing and enforcing the provisions of Article 2 (commencing with Section 31610) of Chapter 4 of Division 10, enforcing Section 830.95, Title 2 (commencing with Section~~

1 12001) of Part 4, Sections 16000 to 16960, inclusive, Sections
2 16970 to 17230, inclusive, Sections 17240 to 21390, inclusive,
3 and Sections 21590 to 34370, inclusive, and for the establishment,
4 maintenance, and upgrading of equipment and services necessary
5 for firearms dealers to comply with Article 2 (commencing with
6 Section 28150).

7 (e)

8 (b) The Department of Justice may require firearms dealers to
9 charge each person who obtains a firearm a fee not to exceed five
10 dollars (\$5) for each ~~transaction~~. *transaction, except that the fee*
11 *may be increased at a rate not to exceed any increase in the*
12 *California Consumer Price Index as compiled and reported by the*
13 *Department of Industrial Relations, and not to exceed the*
14 *reasonable cost of regulation to the department. Revenues from*
15 *this fee shall be deposited in the Firearms Safety and Enforcement*
16 *Special Fund.*

17 (c) *Revenue deposited into the Firearms Safety and Enforcement*
18 *Special Fund shall be available for expenditure by the Department*
19 *of Justice upon appropriation by the Legislature for the purpose*
20 *of implementing and enforcing the provisions of Article 2*
21 *(commencing with Section 31610) of Chapter 4 of Division 10,*
22 *enforcing Section 830.95, Title 2 (commencing with Section 12001)*
23 *of Part 4, Sections 16000 to 16960, inclusive, Sections 16970 to*
24 *17230, inclusive, Sections 17240 to 21390, inclusive, and Sections*
25 *21590 to 34370, inclusive, and for the establishment, maintenance,*
26 *and upgrading of equipment and services necessary for firearms*
27 *dealers to comply with Article 2 (commencing with Section 28150).*

28 SEC. 38. *The heading of Article 2.5 (commencing with Section*
29 *1716) of Chapter 1 of Division 2.5 of the Welfare and Institutions*
30 *Code is amended to read:*

31
32 Article 2.5. ~~Youthful Offender Parole Board~~ *Board of Juvenile*
33 *Hearings*
34

35 SEC. 39. *Section 1716 of the Welfare and Institutions Code is*
36 *amended to read:*

37 1716. Commencing July 1, ~~2005~~, 2016, any reference to the
38 Youth Authority Board refers to the Board of ~~Parole Juvenile~~
39 ~~Hearings. As of that date, the Youth Authority Board is abolished.~~

SEC. 40. Section 1718 is added to the Welfare and Institutions Code, to read:

1718. (a) The Governor shall appoint three commissioners, subject to Senate confirmation, to the Board of Juvenile Hearings. These commissioners shall be appointed and trained to hear only juvenile matters. The term of appointment for each commissioner shall be five years, and each term shall commence on the expiration of the predecessor. Each commissioner currently serving on the Board of Parole Hearings to hear only juvenile matters shall continue to serve as a commissioner of the Board of Juvenile Hearings until his or her current term expires. The Governor shall stagger the remaining vacancies as follows: one commissioner term to expire on July 1, 2018, and one commissioner term to expire on July 1, 2019. Any appointment to a vacancy that occurs for any reason other than expiration of the term shall be for the remainder of the unexpired term. Commissioners are eligible for reappointment. The selection of persons and their appointment by the Governor and confirmation by the Senate shall reflect as nearly as possible a cross section of the racial, sexual, economic, and geographic features of the population of the state.

(b) The chair of the Board of Juvenile Hearings shall be designated by the Governor periodically. The Governor may appoint an executive officer of the board, subject to Senate confirmation, who shall hold office at the pleasure of the Governor. The executive officer shall be the administrative head of the board and shall exercise all duties and functions necessary to ensure that the responsibilities of the board are successfully discharged. The director of the Division of Juvenile Facilities shall be the hiring authority for all civil service positions of employment with the board.

(c) Each commissioner shall participate in hearings, including discharge consideration hearings, initial case reviews, and annual reviews.

SEC. 41. Section 1719 of the Welfare and Institutions Code is amended to read:

1719. (a) The following powers and duties shall be exercised and performed by the ~~Juvenile Parole Board~~: Board of Juvenile Hearings: discharges of commitment, orders for discharge from the jurisdiction of the Division of Juvenile Facilities to the

1 jurisdiction of the committing court, ~~and disciplinary appeals.~~
2 *initial case reviews, and annual reviews.*

3 (b) Any ward may appeal a decision by the ~~Juvenile Parole~~
4 *Board of Juvenile Hearings* to deny discharge to a panel comprised
5 of at least two commissioners.

6 (c) The following powers and duties shall be exercised and
7 performed by the Division of Juvenile Facilities: return of persons
8 to the court of commitment for redispotion by the court or a
9 reentry disposition, determination of offense category, setting of
10 discharge consideration dates, ~~conducting annual reviews,~~
11 *developing and updating individualized treatment program orders,*
12 *plans*, institution placements, furlough placements, return of
13 nonresident persons to the jurisdiction of the state of legal
14 residence, disciplinary decisionmaking, and referrals pursuant to
15 Section 1800.

16 (d) The department shall promulgate policies and regulations
17 implementing a departmentwide system of graduated sanctions
18 for addressing ward disciplinary matters. The disciplinary
19 decisionmaking system shall be employed as the disciplinary
20 system in facilities under the jurisdiction of the Division of Juvenile
21 Facilities, and shall provide a framework for handling disciplinary
22 matters in a manner that is consistent, timely, proportionate, and
23 ensures the due process rights of wards. The department shall
24 develop and implement a system of graduated sanctions that
25 distinguishes between minor, intermediate, and serious misconduct.
26 The department may not extend a ward's discharge consideration
27 date. The department also may promulgate regulations to establish
28 a process for granting wards who have successfully responded to
29 disciplinary sanctions a reduction of any time acquired for
30 disciplinary matters.

31 ~~(e) This section shall become operative on January 1, 2013.~~

32 *SEC. 42. Section 1720 of the Welfare and Institutions Code is*
33 *amended to read:*

34 1720. (a) The case of each ward shall be reviewed by the
35 ~~department~~ *Board of Juvenile Hearings* within 45 days of arrival
36 at the department, and at other times as is necessary to meet the
37 powers or duties of the board.

38 ~~(b) The Division of Juvenile Facilities~~ *Board of Juvenile*
39 *Hearings* shall periodically review the case of each ~~ward for the~~
40 ~~purpose of determining whether existing orders and dispositions~~

1 ~~in individual cases should be modified or continued in force.~~ *ward.*
2 These reviews shall be made as frequently as the ~~department~~ *Board*
3 *of Juvenile Hearings* considers desirable and shall be made with
4 respect to each ward at intervals not exceeding one year.

5 (c) The ward shall be entitled to notice if his or her annual
6 review is delayed beyond one year after the previous annual review
7 hearing. The ward shall be informed of the reason for the delay
8 and of the date the review hearing is to be held.

9 (d) Failure of the ~~division~~ *board* to review the case of a ward
10 within 15 months of a previous review shall not of itself entitle
11 the ward to discharge from the control of the division but shall
12 entitle him or her to petition the superior court of the county from
13 which he or she was committed for an order of discharge, and the
14 court shall discharge him or her unless the court is satisfied as to
15 the need for further control.

16 (e) Reviews conducted by the ~~division~~ *board* pursuant to this
17 section shall be written and shall include, but not be limited to, the
18 following: verification of the treatment or program goals and orders
19 for the ward to ensure the ward is receiving treatment and
20 programming that is narrowly tailored to address the correctional
21 treatment needs of the ward and is being provided in a timely
22 manner that is designed to meet the ~~parole~~ *discharge* consideration
23 date set for the ward; an assessment of the ward's adjustment and
24 responsiveness to treatment, programming, and custody; a review
25 of the ward's disciplinary history and response to disciplinary
26 sanctions; ~~an updated individualized treatment plan for the ward~~
27 ~~that makes adjustments based on the review required by this~~
28 ~~subdivision; an estimated timeframe for the ward's commencement~~
29 ~~and completion of the treatment programs or services;~~ and a review
30 of any additional information relevant to the ward's progress.

31 (f) The division shall provide copies of the reviews prepared
32 pursuant to this section to the court and the probation department
33 of the committing county.

34 SEC. 43. Section 1721 is added to the Welfare and Institutions
35 Code, to read:

36 1721. (a) *The Board of Juvenile Hearings shall meet at each*
37 *of the facilities under the jurisdiction of the Division of Juvenile*
38 *Facilities. Meetings shall be held at whatever times may be*
39 *necessary for a full and complete study of the cases of all wards*
40 *whose matters are considered. Other times and places of meeting*

1 may also be designated by the board, including, but not limited
2 to, prisons or state facilities housing wards under the jurisdiction
3 of the Division of Juvenile Facilities. Each commissioner of the
4 board shall receive his or her actual necessary traveling expenses
5 incurred in the performance of his or her official duties. If the
6 board performs its functions by meeting en banc in either public
7 or executive sessions to decide matters of general policy, no action
8 shall be valid unless it is concurred in by a majority vote of those
9 present.

10 (b) The Board of Juvenile Hearings may utilize board
11 representatives to whom it may assign appropriate duties, including
12 hearing cases and making decisions. Those decisions shall be
13 made in accordance with policies approved by a majority of the
14 total membership of the board. When determining whether
15 commissioners or board representatives shall hear matters
16 pursuant to subdivision (a) of Section 1719, or any other matter
17 submitted to the board involving wards under the jurisdiction of
18 the Division of Juvenile Facilities, the chair shall take into account
19 the degree of complexity of the issues presented by the case.

20 (c) The board shall exercise the powers and duties specified in
21 subdivision (a) of Section 1719 in accordance with rules and
22 regulations adopted by the board. The board may conduct
23 discharge hearings in panels. Each panel shall consist of two or
24 more persons, at least one of whom shall be a commissioner. No
25 panel action shall be valid unless concurred in by a majority vote
26 of the persons present; in the event of a tie vote, the matter shall
27 be referred to and heard by the board en banc.

28 SEC. 44. Section 1722 is added to the Welfare and Institutions
29 Code, to read:

30 1722. (a) Any rules and regulations, including any resolutions
31 and policy statements, promulgated by the Board of Juvenile
32 Hearings shall be promulgated and filed pursuant to Chapter 3.5
33 (commencing with Section 11340) of Part 1 of Division 3 of Title
34 2 of the Government Code, and shall, to the extent practical, be
35 stated in language that is easily understood by the general public.

36 (b) The Board of Juvenile Hearings shall maintain, publish,
37 and make available to the general public a compendium of its rules
38 and regulations, including any resolutions and policy statements,
39 promulgated pursuant to this section.

1 (c) *Notwithstanding subdivisions (a) and (b), the chairperson*
2 *may specify an effective date that is any time more than 30 days*
3 *after the rule or regulation is filed with the Secretary of State.*
4 *However, no less than 20 days prior to that effective date, copies*
5 *of the rule or regulation shall be posted in conspicuous places*
6 *throughout each institution and shall be mailed to all persons or*
7 *organizations who request them.*

8 SEC. 45. *Section 1723 of the Welfare and Institutions Code is*
9 *amended to read:*

10 1723. (a) ~~Every order granting or revoking parole or issuing~~
11 ~~final discharges to any person under the jurisdiction of the division~~
12 ~~shall be made.~~ *The powers and duties of the board described in*
13 *subdivision (a) of Section 1719 shall be exercised and performed*
14 *by the board or its designee, as authorized by this article.*

15 (b) *All other powers conferred to the board concerning wards*
16 *under the jurisdiction of the division may be exercised through*
17 *subordinates or delegated to the division under rules established*
18 *by the board. Any person subjected to an order of those*
19 *subordinates or of the division pursuant to that delegation may*
20 *petition the board for review. The board may review those orders*
21 *under appropriate rules and regulations.*

22 (c) *All board designees shall be subject to the training required*
23 *pursuant to Section 5075.6 of the Penal Code. 1724.*

24 SEC. 46. *Section 1724 is added to the Welfare and Institutions*
25 *Code, to read:*

26 1724. (a) *Commissioners and board representatives hearing*
27 *matters pursuant to subdivision (a) of Section 1719 or any other*
28 *matter involving wards under the jurisdiction of the Division of*
29 *Juvenile Facilities shall have a broad background in, and ability*
30 *to perform or understand, appraisal of youthful offenders and*
31 *delinquents, the circumstances of delinquency for which those*
32 *persons are committed, and the evaluation of an individual's*
33 *progress toward reformation. Insofar as practicable,*
34 *commissioners and board representatives selected to hear these*
35 *matters also shall have a varied and sympathetic interest in juvenile*
36 *justice and shall have experience or education in the fields of*
37 *juvenile justice, sociology, law, law enforcement, mental health,*
38 *medicine, drug treatment, or education.*

39 (b) *Within 60 days of appointment and annually thereafter,*
40 *commissioners and board representatives described in subdivision*

1 (a) shall undergo a minimum of 40 hours of training in the
2 following areas:

3 (1) Adolescent brain development, the principles of cognitive
4 behavioral therapy, and evidence-based treatment and
5 recidivism-reduction models.

6 (2) Treatment and training programs provided to wards at the
7 Division of Juvenile Facilities, including, but not limited to,
8 educational, vocational, mental health, medical, substance abuse,
9 psychotherapeutic counseling, and sex offender treatment
10 programs.

11 (3) Current national research on effective interventions with
12 juvenile offenders and how they compare to division program and
13 treatment services.

14 (4) Commissioner duties and responsibilities.

15 (5) Knowledge of laws and regulations applicable to conducting
16 initial case reviews, annual reviews, and discharge hearings,
17 including the rights of victims, witnesses, and wards.

18 (6) Factors influencing ward lengths of stay and ward recidivism
19 rates and their relationship to one another.

20 SEC. 47. Section 1725 of the Welfare and Institutions Code is
21 amended to read:

22 1725. (a) Commencing July 1, ~~2005~~, 2016, the Board of ~~Parole~~
23 Juvenile Hearings shall succeed, and shall exercise and perform
24 all powers and duties previously granted to, exercised by, and
25 imposed upon the Youthful Offender Parole Board and Youth
26 Authority Board, as authorized by this article. The Youthful
27 Offender Parole Board and Youth Authority Board are abolished.

28 (b) Commencing January 1, 2007, all commissioners appointed
29 and trained to hear juvenile parole matters, together with their
30 duties prescribed by law as functions of the Board of Parole
31 Hearings concerning wards under the jurisdiction of the Department
32 of Corrections and Rehabilitation, are transferred to the Director
33 of the Division of Juvenile Justice.

34 SEC. 48. Section 1728 is added to the Welfare and Institutions
35 Code, to read:

36 1728. The Governor may remove any member of the Board of
37 Juvenile Hearings for misconduct, incompetency, or neglect of
38 duty after a full hearing by the Board of State and Community
39 Corrections.

1 *SEC. 49. Section 1766 of the Welfare and Institutions Code is*
2 *amended to read:*

3 1766. (a) Subject to Sections 733 and 1767.35, and subdivision
4 (b) of this section, if a person has been committed to the
5 Department of Corrections and Rehabilitation, Division of Juvenile
6 Facilities, the ~~Juvenile Parole Board~~, *Board of Juvenile Hearings*,
7 according to standardized review and appeal procedures established
8 by the board in policy and regulation and subject to the powers
9 and duties enumerated in subdivision (a) of Section 1719, may do
10 any of the following:

11 (1) Set a date on which the ward shall be discharged from the
12 jurisdiction of the Division of Juvenile Facilities and permitted his
13 or her liberty under supervision of probation and subject to the
14 jurisdiction of the committing court pursuant to subdivision (b).

15 (2) ~~Order his or her confinement under conditions the board~~
16 ~~believes best designed for the protection of the public pursuant to~~
17 ~~the purposes set forth in Section 1700, Deny discharge~~, except
18 that a person committed to the division pursuant to Section 731 or
19 1731.5 ~~may~~ *shall* not be held in physical confinement for a total
20 period of time in excess of the maximum periods of time set forth
21 in Section 731.

22 (3) ~~Discharge him or her from any formal supervision when the~~
23 ~~board is satisfied that discharge is consistent with the protection~~
24 ~~of the public.~~

25 (b) The following provisions shall apply to any ward eligible
26 for discharge from his or her commitment to the custody of the
27 Department of Corrections and Rehabilitation, Division of Juvenile
28 Facilities. Any order entered by the court pursuant to this
29 subdivision shall be consistent with evidence-based practices and
30 the interest of public safety.

31 (1) The county of commitment shall supervise the reentry of
32 any ward still subject to the court's jurisdiction and discharged
33 from the jurisdiction of the Division of Juvenile Facilities. The
34 conditions of the ward's supervision shall be established by the
35 court pursuant to the provisions of this section.

36 (2) Not less than 60 days prior to the scheduled discharge
37 consideration hearing of a ward described in this subdivision, the
38 division shall provide to the probation department and the court
39 of the committing county, and the ward's counsel, if known, the

1 most recent written review prepared pursuant to Section 1720,
2 along with notice of the discharge consideration hearing date.

3 (3) (A) Not less than 30 days prior to the scheduled discharge
4 consideration hearing, the division shall notify the ward of the date
5 and location of the discharge consideration hearing. A ward shall
6 have the right to contact his or her parent or guardian, if he or she
7 can reasonably be located, to inform the parent or guardian of the
8 date and location of the discharge consideration hearing. The
9 division shall also allow the ward to inform other persons identified
10 by the ward, if they can reasonably be located, and who are
11 considered by the division as likely to contribute to a ward's
12 preparation for the discharge consideration hearing or the ward's
13 postrelease success.

14 (B) This paragraph shall not apply if either of the following
15 conditions is met:

16 (i) A minor chooses not to contact his or her parents, guardians,
17 or other persons and the director of the division facility determines
18 it would be in the best interest of the minor not to contact the
19 parents, guardians, or other persons.

20 (ii) A person 18 years of age or older does not consent to the
21 contact.

22 (C) Upon intake of a ward committed to a division facility, and
23 again upon attaining 18 years of age while serving his or her
24 commitment in the custody of the division, an appropriate staff
25 person shall explain the provisions of subparagraphs (A) and (B),
26 using language clearly understandable to the ward.

27 (D) Nothing in this paragraph shall be construed to limit the
28 right of a ward to an attorney under any other law.

29 (4) Not less than 30 days prior to the scheduled discharge
30 consideration hearing of a ward described in this subdivision, the
31 probation department of the committing county may provide the
32 division with its written plan for the reentry supervision of the
33 ward. At the discharge consideration hearing, the ~~Juvenile Parole~~
34 *Board of Juvenile Hearings* shall, in determining whether the ward
35 is to be released, consider a reentry supervision plan submitted by
36 the county.

37 (5) If the ~~Juvenile Parole~~ *Board of Juvenile Hearings* determines
38 that a ward is ready for discharge to county supervision pursuant
39 to subdivision (a), the board shall set a date for discharge from the
40 jurisdiction of the Division of Juvenile Facilities no less than 14

1 days after the date of such determination. The board shall also
2 record any postrelease recommendations for the ward. These
3 recommendations will be sent to the committing court responsible
4 for setting the ward's conditions of supervision no later than seven
5 days from the date of such determination.

6 (6) No more than four days but no less than one day prior to the
7 scheduled date of the reentry disposition hearing before the
8 committing court, the Division of Juvenile Facilities shall transport
9 and deliver the ward to the custody of the probation department
10 of the committing county. On or prior to a ward's date of discharge
11 from the Division of Juvenile Facilities, the committing court shall
12 convene a reentry disposition hearing for the ward. The purpose
13 of the hearing shall be for the court to identify those conditions of
14 supervision that are appropriate under all the circumstances of the
15 case and consistent with evidence-based practices. The court shall,
16 to the extent it deems appropriate, incorporate postrelease
17 recommendations made by the board as well as any reentry plan
18 submitted by the county probation department and reviewed by
19 the board into its disposition order. At the hearing the ward shall
20 be fully informed of the terms and conditions of any order entered
21 by the court, including the consequences for any violation thereof.
22 The procedure of the reentry disposition hearing shall otherwise
23 be consistent with the rules, rights, and procedures applicable to
24 delinquency disposition hearings as described in Article 17
25 (commencing with Section 675) of Chapter 2 of Part 1 of Division
26 2.

27 (7) The Department of Corrections and Rehabilitation shall have
28 no further jurisdiction over a ward who is discharged by the board.

29 (8) Notwithstanding any other law or any other provision of
30 this section, commencing January 1, 2013, all wards who remain
31 on parole under the jurisdiction of the Division of Juvenile
32 Facilities shall be discharged, except for wards who are in custody
33 pending revocation proceedings or serving a term of revocation.
34 A ward that is pending revocation proceedings or serving a term
35 of revocation shall be discharged after serving his or her revocation
36 term, including any revocation extensions, or when any allegations
37 of violating the terms and conditions of his or her parole are not
38 sustained.

1 (c) Within 60 days of intake, the Division of Juvenile Facilities
2 shall provide the court and the probation department with a
3 treatment plan for the ward.

4 (d) Commencing January 1, 2013, and annually thereafter, for
5 the preceding fiscal year, the department shall collect and make
6 available to the public the following information:

7 (1) The total number of ward case reviews conducted by the
8 division and the board, categorized by guideline category.

9 (2) The number of discharge consideration dates for each
10 category set at guideline, above guideline, and below guideline.

11 (3) The number of ward case reviews resulting in a change to
12 a discharge consideration date, including the category assigned to
13 the ward and the specific reason for the change.

14 (4) The percentage of wards who have had a discharge
15 consideration date changed to a later date, the percentage of wards
16 who have had a discharge consideration date changed to an earlier
17 date, and the average annual time added or subtracted per case.

18 (5) The number and percentage of wards who, while confined
19 or on parole, are charged with a new misdemeanor or felony
20 criminal offense.

21 (6) Any additional data or information identified by the
22 department as relevant.

23 (e) As used in subdivision (d), the term “ward case review”
24 means any review of a ward that changes, maintains, or appreciably
25 affects the programs, treatment, or placement of a ward.

26 ~~(f) This section shall become operative on January 1, 2013.~~

27 *SEC. 50. Section 1767.3 of the Welfare and Institutions Code*
28 *is amended to read:*

29 ~~1767.3. (a) The Juvenile Parole Board may suspend, cancel,~~
30 ~~or revoke any parole and may order returned to custody, as~~
31 ~~specified in Section 1767.35, any person under the jurisdiction of~~
32 ~~the Division of Juvenile Parole Operations.~~

33 ~~(b) The written order of the Director of the Division of Juvenile~~
34 ~~Justice is a sufficient warrant for any peace officer to return to~~
35 ~~custody any person under the jurisdiction of the Division of~~
36 ~~Juvenile Parole Operations.~~

37 ~~(c)~~

38 *1767.3. (a) The written order of the Director of the Division*
39 *of Juvenile Justice is a sufficient warrant for any peace officer to*
40 *return to custody, pending further proceedings before the Juvenile*

1 ~~Parole Board, any person under the jurisdiction of the Division of~~
2 ~~Juvenile Parole Operations, or for any peace officer to return to~~
3 custody any person who has escaped from the custody of the
4 Division of Juvenile Facilities or from any institution or facility
5 in which he or she has been placed by the division.

6 ~~(d)~~

7 (b) All peace officers shall execute the orders in like manner as
8 a felony warrant.

9 *SEC. 51. Section 5848.51 is added to the Welfare and*
10 *Institutions Code, to read:*

11 *5848.51. (a) The Legislature finds and declares all of the*
12 *following:*

13 *(1) Community alternatives should be expanded to reduce the*
14 *need for mental health and substance use disorder treatment in*
15 *jails and prisons.*

16 *(2) The number of people with serious mental illnesses*
17 *incarcerated in county jails and the state's prison system continues*
18 *to rise.*

19 *(3) A significant number of individuals with serious mental*
20 *illness have a co-occurring substance use disorder.*

21 *(4) The treatment and recovery of individuals with mental health*
22 *disorders and substance use disorders are important for all levels*
23 *of government, business, and the local community.*

24 *(b) Funds appropriated by the Legislature to the authority for*
25 *the purposes of this section shall be used to establish a competitive*
26 *grant program designed to promote diversion programs and*
27 *services by increasing and expanding mental health treatment*
28 *facilities, substance use disorder treatment facilities, and*
29 *trauma-centered service facilities, including facilities providing*
30 *services for sex trafficking victims, domestic violence victims, and*
31 *victims of other violent crimes, in local communities, through the*
32 *provision of infrastructure grants.*

33 *(c) Grant awards made by the authority shall be used to expand*
34 *local resources for facility acquisition or renovation, equipment*
35 *acquisition, and applicable program startup or expansion costs*
36 *to increase availability and capacity to diversion programs*
37 *described in paragraph (b).*

38 *(d) Funds appropriated by the Legislature to the authority for*
39 *the purposes of this section shall be made available to selected*
40 *counties, city or county, or counties acting jointly.*

1 (e) *The authority shall develop selection criteria to expand local*
2 *resources, including those described in subdivision (b), and*
3 *processes for awarding grants after consulting with representatives*
4 *and interested stakeholders from the mental health treatment*
5 *community, substance use disorder treatment community, and*
6 *trauma recovery center providers, including, but not limited to,*
7 *county behavioral health directors, service providers, consumer*
8 *organizations, and other appropriate interests, such as health care*
9 *providers, law enforcement, trial courts, and formerly incarcerated*
10 *individuals as determined by the authority. The authority shall*
11 *monitor that grants result in cost-effective expansion of the number*
12 *of community-based resources in regions and communities selected*
13 *for funding. The authority shall also take into account at least the*
14 *following criteria and factors when selecting recipients of grants*
15 *and determining the amount of grant awards:*

16 (1) *Description of need, including, at a minimum, a*
17 *comprehensive description of the project, community need,*
18 *population to be served, linkage with other public systems of health*
19 *and mental health care, linkage with local law enforcement, social*
20 *services, and related assistance, as applicable, and a description*
21 *of the request for funding.*

22 (2) *Ability to serve the target population, which includes*
23 *individuals eligible for Medi-Cal and individuals eligible for county*
24 *health and mental health services.*

25 (3) *Geographic areas or regions of the state to be eligible for*
26 *grant awards, which may include rural, suburban, and urban*
27 *areas, and may include use of the five regional designations utilized*
28 *by the County Behavioral Health Directors Association of*
29 *California.*

30 (4) *Level of community engagement and commitment to project*
31 *completion.*

32 (5) *Financial support that, in addition to a grant that may be*
33 *awarded by the authority, will be sufficient to complete and operate*
34 *the project for which the grant from the authority is awarded.*

35 (6) *Ability to provide additional funding support to the project,*
36 *including public or private funding, federal tax credits and grants,*
37 *foundation support, and other collaborative efforts.*

38 (7) *Memorandum of understanding among project partners, if*
39 *applicable.*

1 (8) *Information regarding the legal status of the collaborating*
2 *partners, if applicable.*

3 (9) *Ability to measure key outcomes, including utilization of*
4 *services, health and mental health outcomes, and cost benefit of*
5 *the project.*

6 (f) *The authority shall determine maximum grant awards, which*
7 *shall take into consideration the number of projects awarded to*
8 *the grantee, as described in subdivision (c), and shall reflect*
9 *reasonable costs for the project and geographic region. The*
10 *authority may allocate a grant in increments contingent upon the*
11 *phases of a project.*

12 (g) *Funds awarded by the authority pursuant to this section*
13 *may be used to supplement, but not to supplant, existing financial*
14 *and resource commitments of the grantee or any other member of*
15 *a collaborative effort that has been awarded a grant.*

16 (h) *All projects that are awarded grants by the authority shall*
17 *be completed within a reasonable period of time, to be determined*
18 *by the authority. Funds shall not be released by the authority until*
19 *the applicant demonstrates project readiness to the authority's*
20 *satisfaction. If the authority determines that a grant recipient has*
21 *failed to complete the project under the terms specified in awarding*
22 *the grant, the authority may require remedies, including the return*
23 *of all or a portion of the grant.*

24 (i) *The authority may consult with a technical assistance entity,*
25 *as described in paragraph (5) of subdivision (a) of Section 4061,*
26 *for the purposes of implementing this section.*

27 (j) *The authority may adopt emergency regulations relating to*
28 *the grants for the capital capacity and program expansion projects*
29 *described in this section, including emergency regulations that*
30 *define eligible costs and determine minimum and maximum grant*
31 *amounts.*

32 (k) (1) *The authority shall provide reports to the fiscal and*
33 *policy committees of the Legislature on or before April 1, 2018,*
34 *and annually until April 1, 2020, on the progress of implementation*
35 *that include, but are not limited to, the following:*

36 (A) *A description of each project awarded funding.*

37 (B) *The amount of each grant issued.*

38 (C) *A description of other sources of funding for each project.*

39 (D) *The total amount of grants issued.*

1 (E) A description of project operation and implementation,
2 including who is being served.

3 (2) The requirement for submitting a report imposed under this
4 subdivision is inoperative on April 1, 2024, pursuant to Section
5 10231.5 of the Government Code.

6 (l) A recipient of a grant provided pursuant to paragraph (b)
7 shall adhere to all applicable laws relating to scope of practice,
8 licensure, certification, staffing, and building codes.

9 SEC. 52. Section 7200.06 of the Welfare and Institutions Code
10 is amended to read:

11 7200.06. ~~(a) Of the 1,362 licensed beds at Napa State Hospital,~~
12 ~~at least 20 percent of these beds shall be available in any given~~
13 ~~fiscal year for use by counties for contracted services. Of the~~
14 ~~remaining beds, in no case shall the population of patients whose~~
15 ~~placement has been required pursuant to the Penal Code exceed~~
16 ~~980.~~

17 7200.06. ~~(b)~~ After construction of the perimeter
18 security fence is completed at Napa State Hospital, no patient
19 whose placement has been required pursuant to the Penal Code
20 shall be placed outside the perimeter security fences, with the
21 exception of placements in the general acute care and skilled
22 nursing units. The State Department of State Hospitals shall ensure
23 that appropriate security measures are in place for the general acute
24 care and skilled nursing units.

25 ~~(e)~~

26 (b) Any alteration to the security perimeter structure or policies
27 shall be made in conjunction with representatives of the City of
28 Napa, the County of Napa, and local law enforcement agencies.

29 SEC. 53. *This act is a bill providing for appropriations related*
30 *to the Budget Bill within the meaning of subdivision (e) of Section*
31 *12 of Article IV of the California Constitution, has been identified*
32 *as related to the budget in the Budget Bill, and shall take effect*
33 *immediately.*

34 SECTION 1. ~~It is the intent of the Legislature to enact statutory~~
35 ~~changes, relating to the Budget Act of 2016.~~